



Managing Complaints about schools

A toolkit for Essex headteachers and governors

January 2022

No matter how experienced, all school leaders receive complaints from time to time. These can range from informal, verbal comments up to formal, written complaints; and from minor to major concerns. Typical complaints include:

- bullying by a pupil, or unjust/unfair treatment by a teacher;
- policy changes;
- failure to follow statutory guidance—e.g. in relation to a fixed term exclusion;
- failure to provide support for children with Special Educational Needs;
- any other concerns about the school.

They may come from pupils, staff, parents, or even members of the public. They could be about pupils, teaching or non-teaching staff, the headteacher, the governors, your school policies, or school events. Some you might be ready for, others will come out of the blue and surprise you. Sometimes complaints reflect wider difficulties and frustrations that a parent or member of the public is experiencing – try not to take them personally.

Complaints may escalate rapidly unless they are well managed, particularly for primary schools, which are so accessible and open to parents. It is better to have processes in place and rarely need them than to have nothing in place and end up with an issue that has the potential to flare up and become a major problem. One adviser suggests you *"deal with the complaint at the lowest level possible. An escalated complaint is like a hurricane; the more emotional the heat, the more ferocious it becomes!"*

A useful strategy for managing “complaints” is to treat them initially as concerns that can, and should, be resolved informally. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and the complainant, where a different approach might be more appropriate.

However, you and your staff have the right not to be abused or harassed and you may use your home-school agreement to set out the expectations of mutual and respectful behaviour. In extreme circumstances parents can be banned from the school premises.

This complaints toolkit aims to support headteachers in Essex schools and we hope will help to prevent the majority of concerns and complaints from escalating and becoming a serious source of stress and difficulty.

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Introduction

The Department for Education (DfE) has produced guidance for schools to support them in dealing with complaints (published in January 2019 and further guidance March 2019).

The toolkit – **originally produced by Leeds County Council in 2019** – has been revised and adapted by EPHA, and gives helpful advice in applying the guidance to complaints’ situations in Essex schools.

The guidance provides clarity around the use of electronic recordings in complaints, how complaints should be considered afresh at stage two panels, how to arrange an external panel and how to deal with duplicate complaints.

Part I establishes the key **roles and responsibilities** in dealing with complaints about schools.

Part II – Dealing with complaints about schools sets out key principles and practice in dealing with concerns or complaints from parents and carers, and with complaints from the wider community.

Part III – Model school complaints procedure sets out a model procedure covering all the stages, from informal, pre-complaint discussions to final review by the Secretary of State for Education.

Part IV gives **further guidance**, including best practice around complaint handling and dealing with different types of complaint.

Model policies, procedures and letters that you might wish to adapt for use in your school are also included as additional support materials.

If you have any enquiries or questions about the toolkit, please contact the EPHA Professional Officer, via the EPHA website <https://essexprimaryheads.co.uk/>

Part I – roles and responsibilities

- 1.1. Every well governed and well managed school will from time to time have to deal with complaints from parents, school neighbours and others. Teachers and governors will know that most parental concerns and complaints are resolved informally by school staff. Relatively few complaints lead to a formal process, but where they do, the governing body must ensure that proper procedures are in place, are publicised, understood and followed.
- 1.2. From 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England, have been required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

Key responsibilities

- 1.3. The **headteacher** is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct concerns or complaints to the headteacher in most circumstances.
- 1.4. The **governing body** has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given that school sites are often places of service provision, it is important that the governing body ensures that any third party providers offering community facilities or services through the school premises have their own complaints procedure in place.
- 1.5. There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an objective approach in the interest of the whole school community, i.e. parents as well as staff.
- 1.6. **Parent and staff governors** in particular should not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the headteacher and the governing body.
- 1.7. Since the implementation of section 45 of the Education Act 2011, on 1 August 2012, the local authority no longer has any power or duty to intervene in school complaints.
- 1.8. Parents and other complainants will be advised that if they contact the local authority, they will be referred back to the school and all details will be recorded and passed on to the headteacher or chair of governors.
- 1.9. However, under the schools improvement policy, the local authority has a responsibility to

‘monitor information about all schools, with particular emphasis on identifying strengths, areas for improvement and progress in order to support, challenge and validate a school’s self-evaluation’.

- 1.10. The local authority will provide advice, guidance and support to schools dealing with complaints at any stage. Please contact your School Effectiveness Partner for support.

Who can complain?

- 1.11. This model procedure is not limited to complaints made by parents or carers of children that are registered at the school. Anyone can make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions).

This includes:

- parents or carers of children no longer at the school
- members of the public

You must comply with your obligations under the Equality Act 2010. It’s common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- disability
- learning difficulties
- difficulties using English

A complaint may be made:

- in person, by telephone or in writing
- by a third party acting on behalf of the complainant

You should make sure you have written consent from the complainant before disclosing information to a third party.

Complaint campaigns

Occasionally, you may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

We recommend you include a separate procedure in your complaints policy to handle

complaints of this nature. This could include:

- sending a template response to all complainants
- publishing a single response on the school's website

In accordance with the duty on schools to publish their complaints procedures online under the School Information (England) Regulations 2008, any alternative process must be included in the complaints procedure published on the school's website.

You can continue to signpost complainants to the DfE if they're dissatisfied with your response.

Types of complaints covered by the school complaints procedure

- 1.12. This practical toolkit is a good practice guide that will apply to most general complaints received by schools. The complaint could be about the way the school is run or about the way a school policy has been implemented. Most will be about decisions that affect pupils at the school.

Complainants should contact the school about their concerns within three months of the incident occurring unless there are circumstances that have prevented them from doing so. Schools should consider each case on its merits and not automatically refuse to consider complaints beyond this timescale.

Types of complaints NOT covered by the school complaints procedure

- 1.13. It is **not** intended to cover those matters for which there is a specific statutory process to object, complain or appeal for example child protection, staff discipline, special needs assessments, school admissions or exclusions (Appendix A lists the types of statutory processes and separate procedures that apply)

What is the difference between a complaint and a formal disciplinary procedure?

- 1.14. A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.
- 1.15. General complaints may involve members of staff, but any investigation into such a complaint should be seen as very distinct from the disciplinary process. General complaints should be treated as complaints against the school, unless serious allegations of misconduct are made, in which case advice should be sought from the school's HR adviser.
- 1.16. If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the headteacher or designated senior

member of staff or, in the case of the headteacher, the chair of governors or designated governor, to determine if it is a disciplinary or capability matter.

- 1.17. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. 'The matter has been referred to the appropriate procedure.'

Part II – dealing with complaints about schools

Complaints policy

Schools should have a **complaints policy** that is a summary of the approach the school takes to handling concerns and complaints. This should not be confused with a set of **complaints procedures**, which prescribe the steps to be taken in handling complaints. Whilst schools are free to adopt the model policy and procedure attached at Annex A and B in this document, they must be tailored to the individual school's needs before they are published.

EPHA has also produced a model complaints policy/procedures (separate versions for maintained schools and academies) which schools may choose to use.

You may choose to publish a leaflet setting out what a parent/carer should do if they have a concern or complaint about the school. This could be shared with new parents and available in the school. *EPHA has produced models based on the current guidance.*

2.1 A school's complaints **policy** should:

- be easily accessible and publicised on the website;
- be a concise statement of how the school deals with concerns and complaints, whether from parents or other legal representatives of your pupils, or from members of the community.

Complaints procedures

2.2 The complaints **procedures** should:

- be well publicised and easily accessible on the school website;
- be simple to understand and use;
- encourage the resolution of problems by informal means wherever possible;
- be impartial;
- establish time limits for action and keeping people informed of progress;
- be non-adversarial;
- respect people's confidentiality;
- ensure full and fair investigations where necessary;
- address all points of issue, provide an effective response and appropriate redress where necessary;
- require that complaints be recorded and that the school's senior management and governing body be informed so that any improvements or adaptations can be made; and
- be reviewed regularly by both the school's management team and governing body.

2.3 **Part IV** - 'Further Guidance' contains a **model policy statement** and a **model complaints procedure** which schools may wish to use. The policy statement is offered for schools to adapt to suit their local needs and circumstances and is not prescriptive. It would be good practice to refer to the availability of both the policy statement and your procedural documents (if published separately), within the school prospectus or brochure.

Stages of complaints procedures

- 2.4 Good complaints procedures will have well-defined stages that explain the action to be taken, when it should be taken and who will be involved. The need for flexibility should be built into this area as further investigations may be required.

It is recommended that procedures should have at least two formal stages, where the second, an appeal stage, is heard by members of the governing body who'll consider the complaint afresh. Although the second stage is not a reinvestigation of the complaint, schools should not just review how the complaint was handled at the first stage. There should be some consideration of the facts of the case and whether it was handled fully and fairly.

Even so, a panel should not overturn a decision from a stage one investigation just because a complainant does not agree with the outcome of a complaint.

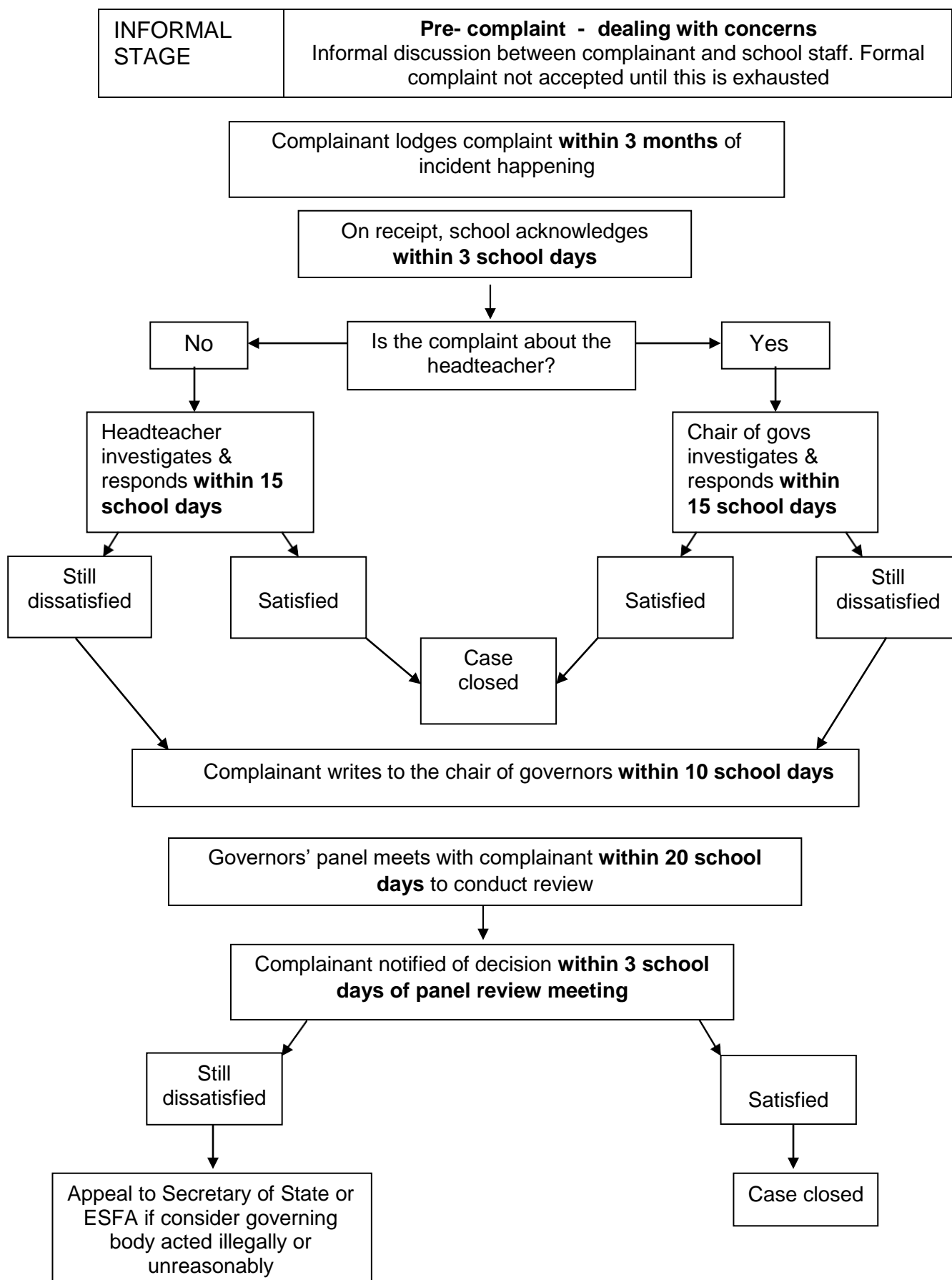
- 2.5 This model guidance establishes three school-based stages which should be sufficient for most schools, as well as a further review stage by the Secretary of State for Education.

- **Informal stage - dealing with concerns:** initial concerns are heard by a class teacher, head of year or another appropriate member of staff on an informal basis, either in person, by telephone or in writing.
- **Formal stage one:** where a formal written complaint is considered by the head teacher (or representative), or - **if the complaint is about the headteacher** – by the chair of governors or nominated governor.
- **Formal stage two:** If stage one has been worked through and the complainant is unhappy with *the way in which their complaint has been handled*, the case can be referred to a panel of governors. The panel of three governors (*one of whom will be independent in an academy*) will consider the complaint afresh by carrying out a **review** of the investigation carried out at formal stage one. This stage **does not** involve a rehearing of the complaint.
- **Secretary of State review :** Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education (maintained schools) or the ESFA (academies) but only on the grounds that the governing body is acting or proposing to act unreasonably or illegally.

School-based stage

Secretary of state review

Dealing with complaints about schools – flowchart



Dealing with initial concerns

- 2.6 Schools need to be clear about the difference between a **concern** and a **complaint**. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. People may wish to ask questions or express an opinion, and schools should aim to create an environment that supports, welcomes and respects the involvement of others.
- 2.7 The fact that schools must, by law, have a complaints procedure need not in any way undermine efforts to resolve concerns or complaints informally. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.
- 2.8 In most cases the class teacher will receive the first approach. *It is therefore very important that your staff are familiar with the school's complaints policy and procedures.* Being able to resolve issues on the spot, including apologising or expressing regret where appropriate, is often the best approach. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and its parents or the wider community.

Dealing with formal complaints

- 2.9 Formal procedures will need to be invoked when the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take matters further.
- 2.10 This could be handled by any one of the following:
- the headteacher;
 - an independent person agreed by the governing body;
 - a designated member of staff who has the responsibility for the operation of the school's complaints procedures;
 - the chair of governors; or
 - a designated governor.

Complaints or concerns from the community

- 2.11 Dealing with complaints or concerns from local residents is also the responsibility of the school and the governing body. It is important to maintain good relationships with local residents and, to that end, schools should ensure that any concerns from the community, which can cover issues such as litter, unruly pupils, objects landing in gardens and car parking, are dealt with in a similar way to a complaint from a parent or other legal representative of the child.
- 2.12 In the event of an incident giving rise to a complaint, taking the issues seriously, a prompt and courteous reply, with perhaps an expression of regret for any inconvenience caused, will go a long way to maintaining the school's good name and standing in the community.
- 2.13 It is the responsibility of the governing body of the school to ensure that any third party provider, such as a sports or social club, offering community facilities or services through the school premises, or using school facilities, has its own complaints procedures in place.
- 2.14 Where there may be shared responsibility for providing a service under children's service provisions, the governing body needs to make sure there is an agreed

complaints process in place.

Resolving and closing complaints

- 2.15 At each stage in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. An effective procedure should identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- an apology or an expression of regret. Note – this is *not* an admission of liability;
 - an explanation;
 - an admission that the situation could have been handled differently or better. Note: this is *not* the same as an admission of negligence;
 - an assurance that the event which prompted the complaint will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - a review of school policies in light of the complaint, if appropriate.
- 2.16 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. Equally, an effective procedure will identify areas of agreement between the parties.
- 2.17 The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.
- 2.18 If the school does not uphold the complaint, it is important to reassure the complainant that the matter has been thoroughly investigated. Part IV 'Further guidance' contains model response letters for use at the end of stage 1 and stage 2 (Annexe E and Annexe G).

Serial or persistent complaints

- 2.19 A sound set of complaints procedures should limit the number of complaints that become protracted and if the procedures are followed correctly to keep the person informed of what is happening, this should not become an issue. However, occasionally, a complainant may remain dissatisfied despite all the procedures having been followed.
- 2.20 If the complainant continues to make representations to the school or attempts to re-open the same issue, the school should inform them, in writing, that the procedures have all been followed and that all reasonable action has been taken to try to resolve the issue and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond. However, you

should not mark a complaint as ‘serial’ before the complainant has completed the procedure.

Also, the label of ‘serial’ should be made against the complaint or issues raised rather than against the complainant as they may have valid reasons to complain in the future about other matters.

Under no circumstances should a complainant be marked as ‘serial’ for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

In some cases, it may be necessary to seek support from legal services or the local authority to deal with particularly unreasonable or persistent complainants. **Part IV – Further guidance** – provides a useful definition of unreasonable or persistent behaviour that may help schools determine the correct course of action.

Schools may find it useful to establish a policy for managing serial and unreasonable complaints, which we recommend is included in the school’s published procedure. A template for a model policy is available at appendix B, *and the EPHA model policy includes this section as an important part of the policy.*

- 2.21 Threats involving the media and/or legal action should be treated respectfully, whilst reassuring the person that the school will respond to any letters or approaches from the media or solicitors in the normal way. These may be ‘empty’ threats made out of frustration in the heat of the moment and are without substance. However, headteachers should contact Essex County Council’s media team for advice if they are concerned about statements being made to the media.
- 2.22 The decision to stop responding should never be taken lightly, and you must communicate the reason to the complainant. You need to be able to say yes to all of the following:
- you have taken every reasonable step to address the complainant’s concerns;
 - the complainant has been given a clear statement of your position and their options; and
 - the complainant contacts you repeatedly, making substantially the same points each time.

The case to stop responding is stronger if you agree with one or more of these statements:

- Their letters, emails, or telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience.

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

If an individual’s behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy.

For example, they can:

- restrict the individual to a single point of contact via an email address;
- limit the number of times they can make contact, such as a fixed number of contacts per term; and
- also suggest that the complainant asks a third party to act on their behalf.

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory timeframe.

Different procedures apply to Freedom Of Information (FOI) and Data Protection (DP) correspondence. You should talk to your FOI and DP officer about those or approach the Information Commissioner's Office for further advice.

Schools need to make sure that they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could be seen as the school failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you may be able to approach your School Effectiveness Partner or legal adviser to ask for assistance.

If an individual persists to the point that may constitute harassment, you should seek legal advice.

Once you've decided that it's appropriate to stop responding, you will need to inform the individual.

Barring from school premises

2.23

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community. If an individual's behaviour is a cause for concern, a headteacher can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to formally express their views on a decision to bar.

The headteacher's decision to bar should then be reviewed by either:

- the chair of governors; or
- a committee of governors.

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place; and
- when the decision will be reviewed.

Once the school's appeal process has been completed, individuals may be able to apply to the courts. Individuals wishing to exercise this option should seek independent legal advice.

The DfE's guidance on controlling access to school premises is available on their website (www.gov.uk) for further information.

Monitoring complaints

- 2.24 Schools should record and monitor all complaints to identify issues and allow any lessons to be learned by the school. The headteacher should provide a termly report to the governing body identifying the number, nature and current status of complaints handled, without giving individual details. The governing body should monitor all complaints which reach formal stage two and receive a report at the end of the process.

Part III – school complaints procedures

Informal pre-complaint stage - dealing with concerns

- 3.1 All concerns should be treated seriously. The member of staff should make a brief note of the concerns and an indication of the outcome of the discussion.
- 3.2 It should be made clear to the complainant, at the earliest possible stage, whether or not the outcome they are seeking is realistic. If it is not and a compromise is unlikely, they should be advised to make a formal complaint and be advised of the formal complaints procedure. It is important to ask what outcome the complainant is expecting to ensure there is no misunderstanding.
- 3.3 If a member of staff becomes aware that someone is likely to lodge a formal complaint, they should inform the headteacher, and pass on any information they hold about the issue. **Staff should be given clear guidance on the school's procedure, particularly about when it is appropriate to refer the matter on and to whom. Time and care spent at this early stage can prevent a concern from becoming a formal complaint.** Details of complaints should not be shared with the whole governing body at any stage while they are still being considered. This is in case a complaints committee needs to be organised at a later date and to maintain confidentiality by limiting the number of people who need to know the details of a complaint.
- 3.4 If a concern relates to a school policy rather than a particular incident, e.g. policy on school dress, timing of school day, it would be more appropriate for the issue to be referred directly to the headteacher. Where possible, people should be invited to put their comments in writing, with assistance if necessary, and these can then be used to inform any review of the policy. A written acknowledgement should be sent telling them when and how the matter will be considered.
- 3.5 If it is clear that if a number of people share a concern the matter should be dealt with as a matter of urgency to avoid escalation of the issue within the parent/local community.

[More advice and guidance regarding handling concerns is given below in Part IV – Further guidance.]

Formal stage one: official complaint

- 3.6 Where a person has not been able to resolve a concern informally, they are entitled to ask the headteacher or a senior member of staff nominated by the headteacher, to investigate the issue. The complaint should, where possible, be put in writing to the headteacher. In all cases, the submission should include details of the complaint, action already taken to resolve the complaint and what actions the complainant feels might help resolve the problem.
- Complaints made either in person or by telephone, should not prohibit complaints being dealt with under formal procedures. Whoever receives the complaint should briefly make a record of the conversation or call.

- 3.7 **Formal complaints should be lodged as soon as possible, but no later than three months of the incident or issue occurring.** However, it should be made clear that exceptional circumstances will be taken into account when deciding whether to accept or progress a complaint.

Any decision made by a school, must also be made in line with the principles of administrative law. This means a decision is:

- lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- rational
- reasonable
- fair
- proportionate

These principles must underpin the management of complaints and any decisions made.

Schools must not have 'blanket' policies of refusing to consider any complaints not lodged, or escalated, within the stated period.

- 3.8 **Acknowledgement within three school days.**
Receipt of the complaint should be acknowledged within three school days and will specify how the complaint will be investigated, by whom and the timescale within which a full response will be made.
- 3.9 **Full response within 15 school days.**
The head teacher should ensure that a thorough investigation is carried out and a full written response is made within 15 school days. If the timescale needs to be extended (for example, if meetings with complainants or relevant people cannot be arranged within this timescale), complainants will need to be informed. *[Detailed advice and guidance on conducting an investigation is given in Part IV – Further guidance, Section 9]*

Exceptions

- 3.10 **Complaints about the headteacher.**
A complaint about the headteacher should be made in writing to the **chair of governors**. This may include a complaint about the actions, or lack of actions, of the headteacher in investigating a complaint. The governing body should consider appointing a designated governor to investigate the complaint as a stage one complaint. Where a complaint is about the conduct of the headteacher, the chair of governors should seek advice from the school's HR adviser.
- 3.11 **Complaints about the chair of governors** should be made in writing to the **vice- chair of governors**. Procedural advice and guidance may also be sought from the local authority customer relations service or governor support service.

When a complaint is made against the whole governing body, they need to be aware of the allegations made against them so they can respond to any independent investigation. Therefore, consideration needs to be made of arrangements to commission an

independent governor to investigate the complaint at stage one and if necessary an independent panel to review at stage two.

To appoint a governor from another school onto a complaints panel a maintained schools' governing body does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

If the school arranges complaint panel meetings on an ad-hoc, informal basis, they only need to source governors who are:

- suitably skilled
- can demonstrate their independence

They can approach governors from any:

- category of governor
- associate member of another governing body

Maintained schools can ask governors in academies to serve on a complaints panel and vice versa.

The exception to this is when a maintained school wishes to appoint a standing committee to hear all the complaints they receive under the committee's tenure. To appoint governors from another school onto the complaints committee, they must enter into a formal collaborative arrangement with another maintained school.

If appropriate, the clerk could ask for support from the:

- local authority
- clerking agency (if the school uses one)
- diocese.

3.12 **Complaints about issues covered by other statutory procedures.**

Where complaints concern issues that are covered by other statutory procedures, for example, school admissions or exclusions, then those specific procedures and related timescales will apply instead (see Appendix A).

Complaints involving a claim for compensation.

Maintained schools should refer any claims for compensation directly to the schools claims financial adviser in the local authority.

Reporting the outcome

- 3.13 A full written response should be made to complainants who may be offered a further meeting to explain how the investigation was carried out and how decisions were reached. The decision at the end of formal stage one is usually final. The only exception to this is if in investigating the complaint, the headteacher or governor did not conduct a full and fair investigation and therefore did not arrive at the decision fairly. In this instance, there may be an opportunity to review the decision at formal stage two. Complainants will be advised that if they are dissatisfied with the way in which their complaint has been handled they may refer the matter to the governing body. This should be done by writing to the chair of governors **within 10 school days** of receipt of the stage one response from the headteacher or other investigating officer.

Formal stage two: review to panel of governors

- 3.14 If complainants are dissatisfied with the way in which their complaint was handled at stage one, there will be a further and final right of review to a specially convened panel of governors.
- 3.15 **Review lodged within 10 school days.** Reviews should be lodged in writing with the chair of governors within 10 school days of receipt of the stage one decision.
- 3.16 **Convene panel meeting within 20 school days.** The review panel will meet within 20 school days of receiving the complaint. The complainants and the headteacher or appropriate investigating officer (or governor if the stage one complaint was about the headteacher) will be informed of the date, time and venue of the appeal hearing.
- 3.17 The panel will comprise at least three governors who have had no previous knowledge of or involvement in the case. The panel should not include staff governors.

Remit of the governors' panel

- 3.18 The panel will consider the way the complaint has been investigated and handled by the school (or governor if it is about the headteacher). The panel will carry out a review of the investigation carried out at formal stage one. It will hear the report of the investigating officer at stage one and any submissions on that report by the complainant. The review ***should not entail a rehearing*** of the case. However, there should be a consideration of the facts of the case and a view formed of whether the complaint has been investigated fully and fairly.

The panel can:

- 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 including reinvestigation of all or part of the complaint; and/or
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

(Detailed advice and guidance on conducting a stage two panel hearing is given in Part IV – Further guidance, Section 9).

- 3.19 **Decision within three school days.** The decision of the panel is final and will be communicated in writing to complainants and the headteacher within three school days. Some schools e.g. faith schools may wish to include a further review stage if appropriate where the diocese or some other independent body reviews the complaint.

Secretary of State review

- 3.20 A further stage of appeal can be taken to the Secretary of State for Education (*maintained schools*) or ESFA (*academies*), but only on the grounds that the governing body is acting or proposing to act unreasonably or illegally.

Part IV – further guidance

1 How to minimise the volume of complaints you receive

There are simple steps that schools can take to reduce the likelihood of complaints being made.

- **Be open with information about all school policies** and documentation (for example about the curriculum or access to pupil records). Be clear in your school brochure or prospectus about what parents are allowed to see and how they can obtain copies.
- **Publicise your arrangements for handling parental concerns** as part of your general information policy. You should regard this as generating useful feedback rather than 'inviting complaints'. The Education Act makes publication of your complaints procedures a statutory requirement rather than simply good practice.
- **Ensure that all staff are aware of the statutory regulations** regarding such areas as health and safety, child protection and the Hate Incident Reporting System (HIRS) which encompasses all hate incident categories such as race, gender, disability, faith and sexual orientation. Arrange awareness-raising sessions for your staff on topics where knowledge is patchy.
- **Don't 'go into denial'** about incidents that appear to cast the school in a bad light. Dealing with issues causing concern will be positive for the school overall. Bullying is a prime example; accept that it can occur in otherwise happy and well-managed schools. The important point is to have effective policies and practices in place when it occurs.

2 Distinguishing between concerns and complaints

A useful strategy for managing 'complaints' is to treat them initially as concerns that can, and should, be resolved informally. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and the complainant, where a different approach might be more appropriate. In this respect the following advice may be helpful. Many of the points will apply whether you are a classroom teacher, headteacher, administrator or governor.

3 The first contact

- If a parent or member of the community brings a concern to the school, thank them – in person or in writing – for bringing their concern to your attention so that it can be addressed. Then indicate how it might be possible to resolve the difficulty informally.
- If practical, discuss the problem there and then or arrange a mutually convenient time to meet with them.
- Try to assess at the outset precisely what the concern is about. It is important to be aware that the original complaint may be masking other, underlying, issues which will need to be explored before any meeting takes place.

4 Apologies

- It is important to recognise the difference between an expression of regret, an apology and an admission of liability. Often, an expression of regret that someone is concerned about an issue, or that he or she has been inconvenienced by an incident, is a useful starting point for a constructive approach to resolving the difficulty. This can be a simple statement such as “I’m sorry that you feel like that” or “I’m sorry to hear of your concern.”
- The school may wish to implement a policy that an individual member of staff should not make a *personal* apology (thereby implying acceptance of some responsibility) but that any apologies will be expressed by the headteacher or the governing body on behalf of the school.
- If the headteacher or governing body are concerned that an apology may be taken as accepting liability, advice should be taken, initially from the school’s legal advisers or insurers.

5 Moral support for the complainant

- It can be helpful to suggest that the complainant might bring along a friend as moral support. The school should be sensitive to, and aware of, anything which may appear intimidating, such as the room layout; the number of people involved especially a high number of school staff; as well as any unnecessary delay leading to keeping people waiting.
- Whilst the school cannot dictate who the ‘friend’ should be, it is not always productive, with parental complaints, for other parents to be involved, especially where they might have a personal interest in the issue brought by the concerned parent/complainant.
- We would advise complainants to be accompanied by someone who was not connected with the school but who would be able to judge whether the meeting allowed the complainant to express his or her concerns and have them addressed.

6 Moral support for staff

- Hopefully, the school will have set out guidelines for parents about how you will work with them and what they can expect from you. However, there will be times when school staff will feel under pressure or harassed by parents or other members of the community. In these cases it is important that any direct contact is managed through the headteacher and that advice given about unreasonable behaviour is followed (see Section 11 ‘Dealing with persistent or serial complaints, below). Where staff, including the headteacher, are feeling under pressure, then the school should contact the HR adviser in the first instance for support. Union representatives may also be a useful contact or the school’s legal adviser. For support and advice about coping with the complaint or situation itself, you may want to receive support from EPHA or the school’s SEP.

7 Who should be involved from the governing body?

- Ensure that all governors are clear about their role in handling complaints. Your procedures should make it clear who is the first contact for concerns beyond the headteacher: is it the chair of governors or a designated governor? Some schools prefer to have a designated governor with responsibility for complaints so that, should the case reach the review panel (stage 2 in the model procedures) the chair of governors is able to chair the panel *without detailed prior knowledge of the case*. This important point applies to all members of such a panel.
- If particular governors being involved in specific cases means there is a potential or real conflict of interest, you should identify someone else to step in. A common allegation is the perceived collusion between headteachers and governing bodies. The only effective way to counter this, is to have procedures in place that allow for some flexibility in responding to complaints. The inclusion of a parent governor on the review panel can go some way to alleviating any perceived collusion.

8 Investigating complaints – good practice guidelines

We recommend that, at each stage of the concern or complaint, the following steps are followed as far as possible.

- The headteacher should nominate a senior member of staff, who has had no prior involvement with the complaint, to investigate the complaint (where resources and the size of the school staff allows). This allows the headteacher to retain a degree of detachment and independence from the complaint, which may be helpful in maintaining good relations between the complainant and the school after the complaints procedure has run its course.
- During the investigation the headteacher, or nominated investigating officer - should contact the complainant to clarify the details of the complaint and speak to other persons as necessary. Sometimes one concern can be masking other underlying issues. It is important to ask what the complainant feels would resolve the issue. Expressing regret over the issue at this stage is not an admission of liability, but it may go a long way to appeasing the complainant. (see section 4 'Apologies' above)
- Complainants will be allowed the opportunity to meet with the investigating officer and to be accompanied by a friend or relative to speak on their behalf or help them make their case (see section 5, above 'moral support for the complainant'). Support for interpretation and translation can be obtained from ECC.
- The task of the investigating officer at this stage is to compile accurate evidence and he/she will need to interview relevant witnesses and take statements from those involved.
- When interviewing witnesses, the investigating officer should explain their role clearly and confirm the witness understands the complaint procedure and their role within it.
- They should use open, not leading questions and be careful not to express opinions in words or attitude.

- They should try to separate hearsay evidence from fact by asking interviewees how they know a particular fact and deal with conflicting evidence by seeking corroborative evidence.
- A written record should be made of interviews and checked for accuracy with the interviewee. It is good practice to send a copy of the notes by email and ask them to respond with their agreement.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. Similarly, parents should also be made aware of confidentiality especially where other children are involved. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.
- Complaints need to be considered and resolved as quickly, and efficiently as possible. It is important to keep to response times. If this is not possible, an interim letter should be sent, explaining when you will be able to respond. If the complainant raises their case with the DfE at a later stage, it is likely that excessive time limits will be seen as unacceptable, except in extenuating circumstances.
- The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.
- In the event of a stage one complaint being investigated by a member of the governing body, there may be instances where the investigating governor is supported by another governor to ensure consistency, fairness and objectivity.
- All people involved in the complaint procedure should be made aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018, General Data Protection Regulations 2018 and Freedom of Information Act 2000.
- Staff and governors in schools should have the opportunity to take part in training or briefings to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

9 Procedures for reviewing complaints at stage two

- The governors' review panel is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. *In an academy, the review panel will consist of at least three governors with no prior involvement or knowledge of the complaint, one of whom will be an independent panel member.*
- The panel will appoint its own chair, normally the chair or vice-chair of governors. The chair of the panel will ensure that the appeal hearing is minuted.
- When the complainant asks to move their complaint to stage two you should ascertain if they have any further information that they wish to submit. When

arranging the panel, the complainant, the investigator at stage one and all panel members should receive a pack of information which contains copies of the correspondence at stage one between the complainant and the school. In addition, if there is any other information that the complainant or the investigator feels needs to be included, then this will be added to the pack. Once the packs for the hearing are sent out, any further submissions of information should be discouraged but it is at the discretion of the panel chair whether further information will be accepted.

- Complainants may be accompanied by a friend or relative to speak on their behalf or help present their case. Interpreting facilities can be made available, if necessary, through the local authority.
- Panel members should be mindful that some complainants may feel nervous and inhibited in a formal setting and the chair should ensure that proceedings are as welcoming as possible.
- *In an exceptional case where a child is the complainant or attending the hearing in any other capacity, the panel should take legal advice in advance of the hearing.*
- The conduct of the panel meeting will be at the discretion of the chair, but the following format is recommended:
 - The complainant puts forward why they are dissatisfied with the stage one investigation.
 - The investigating officer at stage one goes through the process of investigation that led to their conclusions.
 - Either party can ask questions, when invited to do so by the chair
 - The panel can ask any questions of the complainants or the investigating officer.
- The panel will:
 - reach its decision
 - decide on appropriate action
 - consider any recommendations it will make to review or change school policies or procedures
 - not assign actions to individuals without their consent/agreement
- The purpose of the panel hearing at stage two is to consider whether the complaint was investigated fairly and objectively at stage one. The panel may recommend a review of the decision at stage one if it decides that the complaint was not investigated fairly, e.g. if an essential witness was not interviewed. Alternatively, it can uphold the decision at stage one or find it not upheld or partially upheld based on what is heard at the panel hearing.
- Complaints should not be shared with the whole governing body at early stages, except in very general terms, in case an appeal panel needs to be organised.

Complainants are entitled to a fair meeting or review. People who have a conflict of interest should not take part in the complaints process, including proceedings of governing body meetings and panels. If there's any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the

complaint. Where a governor has a financial interest in any related matter, they should also withdraw.

When making decisions, people involved in the process must not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias.

- It is generally considered that governors with no prior exposure to the complaint are suitably impartial. However, complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately the decision is made by the governors; however, it must be stressed that this approach must only be used after all other avenues (for example, convening a panel of independent governors) have been exhausted.
- If the panel considers that the initial investigation at stage one is incomplete and that this throws doubt over the final decision, it can direct additional or re-investigation of those areas it determines. In this case, the stage two proceedings will be suspended to enable the complaint investigator to properly complete the stage one investigation and report their findings and conclusions to the complainant and the panel.
- The panel will then reconvene at the earliest possible date to reopen the hearing and bring it to a conclusion, subject to the new information.
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.

10 Dealing with difficult responses from parents

- If it is likely that the complainant will become aggressive, either physically or verbally, you should ensure that you are not meeting with them alone and that you are able to call upon additional assistance, if required.
- Whilst it is a fact that the ultimate action for parents to take is to remove their children from the school and place them elsewhere, caution is needed about the way this is expressed to parents as an option.
- In any event, **you should not remove a pupil from the school roll without reference to the formal regulations on registration of pupils.** In this context, it is not permissible to take such action purely on the grounds that the parents have informed you that they are removing their child. If in doubt, contact your attendance adviser for advice.
- If a parent insists on keeping their child at home until the situation is resolved, you should inform your attendance officer. The LA will do the same if such a situation comes to light when a complaint is made via the authority.

11 Dealing with persistent or serial complaints

- Assuming that the principle of taking, and being seen to take, complaints seriously is respected, and the headteacher and/or governing body have done everything possible to address and resolve the complaint, including considering the complaint through the full scope of the complaints procedure, there may be a justifiable case for formally closing the complaint.
- While the vast majority of complainants are reasonable, a small minority may become preoccupied with their grievances. They are sometimes referred to as 'vexatious', 'persistent', 'habitual' or 'serial' complainants.
- A serial or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales. Nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it.
- For the purposes of this policy, the characteristics of a persistent complaint are:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value

Providing the local authority has been consulted (via its customer relations service) and has agreed that closure of a complaint is appropriate, we will support the decision of a governing body to take this action if requested.

Please note, the serial or persistent marker is against the complaint not the complainant and the school should accept new complaints from the complainant if appropriate.

Schools should have a policy for dealing with serial and persistent complaints. Please see appendix B for a template for a model policy.

12 Duplicate complaints

After closing a complaint at the end of the complaints procedure, you may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child
- a friend of the complainant

If the complaint is about the same subject, schools can inform the new complainant

that the school has already considered that complaint and the local process is complete. They should advise the new complainant to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

Care should be taken not to overlook any new aspects to the complaint that may not have previously been considered. Schools will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

13 Closing complaints

Very occasionally, a school will feel it needs to close a complaint where the complainant is still dissatisfied. Sometimes it is simply not possible to meet all of the complainant's wishes and the complaint remains irresolvable.

If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from the school's responsibility to look after the interests of all the children in its care.

For this reason, schools are entitled to close correspondence on a complaint where they feel that they have taken all reasonable action to resolve the complaint. The local authority will support schools in this position, in writing, if asked to do so, and especially where persistent contact is causing distress to staff and/or pupils.

Before closing a complaint against a complainant's wishes it should be ensured that:

- the complaint has been considered at all stages of the procedure;
- the complainant is contacting the school repeatedly but making substantially the same points each time;
- the school has taken every reasonable step to address the complainant's needs; and
- the complainant has been given a clear statement of the school's position and their options (if any).

The school's case is stronger if:

- the school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call;
- their letters/emails/telephone calls are often or always abusive or aggressive; and
- they make insulting personal comments about or threats towards staff.

Schools need to clearly state to the complainant that the complaint is closed and that the school will not respond further on the matter. You should be aware that, even where the school closes a complaint, with or without the assistance of the local authority, an 'appeal' to the DfE could result in a direction to the governing body from the Secretary of State for Education if the governing body's action is judged by them to be unreasonable. This underlines the importance of schools following their own procedures closely and having everything documented.

A sample policy for dealing with serial and unreasonable complaints is provided at **Appendix B**

14 Recording and documenting complaints

Making electronic recordings

Where there are communication difficulties, you may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

Schools are data controllers in their own right and you have the discretion via your policies to decide for yourselves whether to allow complainants to record meetings, if it's not required for the purposes of a reasonable adjustment.

It is recommended that schools consider:

- how any decision to allow recordings may affect any third parties called to act as witnesses; and
- the impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked.

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. The DfE do not normally accept electronic recordings as evidence when they are asked to consider a complaint.

However, they may accept independently notarised transcriptions of recordings. They may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, the DfE will support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. It is recommended this is made clear in complaints procedures.

Recording complaint progress

Schools should record the progress of the complaint and the final outcome. They should also determine who is responsible for these records and make sure the information is kept secure.

- It is essential that you keep appropriate records of all complaints, incidents and any meetings with parents or other complainants. For example, if a parent alleges that bullying is taking place, this should be recorded as the concern, *whether or not it is accepted* that bullying is the issue.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Schools should record the progress of the complaint and the final outcome. The headteacher should be responsible for these records and hold them centrally.

As schools are data controllers in their own right, governing bodies must decide for themselves how long they keep records, unless statutory regulations apply. For example, copies of attendance registers must be retained for three years.

Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.

You should consider that complainants may have a right to copies of these records under the Freedom of Information Act 2000, the Data Protection Act 2018 and GDPR.

Refer to the DfE's Data protection: toolkit for schools or the Information Commissioner's Guide to GDPR for more information.

Whilst it is hoped that resolution will be straightforward and informal, any subsequent legal action would require clear written evidence of any action taken and it is at such times that properly kept records are an invaluable source of information. This is especially important in cases of alleged hate incidents or child abuse.

15 Complaints involving allegations of hate incidents

Hate incident is a strongly worded phrase, and is used to reflect the way that these incidents can contain a message that communicates to entire groups of people that they are unwelcome and unworthy of social respect. Children and young people should understand the impact hate motivated incidents can have upon both individuals and the broader community.

Recording all hate incidents, bullying and prejudice-based incidents is one of the ways in which a school may show that it has 'due regard' for fostering good relations, as well as eliminating discrimination, harassment and victimisation and thus demonstrate compliance with the Equality Act 2010.

The local authority recognises that occurrence of prejudice based incidents and hate incidents can have a detrimental effect on the achievement and wellbeing of the whole school community.

All such incidents must be recorded and reported to the local authority in accordance with its guidance and procedures. Data collected by the local authority will be used to identify trends across the council in order to assist the children and families' service leadership team, schools and area teams in providing targeted support.

It is not acceptable for such allegations to be dismissed simply because the headteacher, chair of governors or anyone else judges the incident not to be 'hate' motivated.

School staff should be aware that children's needs (educational, psychological or social) can often be obscured by hate incident issues. Taking accusations seriously, can be the first step to opening up dialogue on the broader issues. Separating out multiple issues within a complaint needs to be achieved as early as possible so that they can be prioritised and addressed appropriately.

Although hate incidents are subject to a statutory procedure, the Equality Act 2010, this does not necessitate the complaints procedure being suspended. However,

there is a duty for local authorities to monitor hate incidents, bullying and prejudice based incidents and so schools must complete the electronic system (HIRS) form, as part of the procedure for any complaint regarding race, gender, disability, faith and sexual orientation incidents.

16 Child protection issues (see also appendix A complaints which are subject to statutory procedures)

- If allegations of physical (including sexual) abuse or misconduct, by a member of staff towards a pupil are made, you should follow the procedures set out in the guidance on child protection issued separately to all schools. This includes the need to inform the local education safeguarding team of the local authority who will then decide whether or not to investigate the matter in line with approved procedures.
- As a precaution, you should also inform the school's HR adviser. The safeguarding service has a responsibility, on behalf of the local authority, to ensure appropriate child protection procedures are being used. Particular care must be exercised to ensure confidentiality in such cases in the interests of the child(ren) and staff involved.

17 Whistleblowing

You must have an internal whistleblowing procedure for your employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE using their contact form.

18 Complaints about bullying or other behavioural issues

- Whilst we always advise parents or other complainants to speak to their school in the first instance, they can also contact the local authority who also offers support and advice. When this happens the local authority may notify the school if appropriate.
- If the problem is affecting the child's attendance – for example, if the parent is refusing to return the child to school until the matter is resolved – the local authority may also inform the attendance specialist team who will then contact the parent to see how the family can best be supported.

19 Responding to threats to involve the media

Frequently, the more irate complainant will threaten to 'take it to the press' if their concern is not addressed. We would suggest the following possible responses:

- When such a threat is made, assure the complainant that this is, of course, their right but that you will follow up their concerns in line with your procedures; that adverse publicity could be counterproductive for them and their child(ren); and that settling the

problem between yourselves is likely to be in everyone's interests.

If you have reason to believe that such threats are real, or if you are contacted by the media, you can seek guidance from the Essex County Council Schools Communication Team
01245 434745 (Office hours 9 am- 5 pm)
07717 867525 (Out of hours/weekends)

20 Responding to threats of legal action

Schools are sometimes threatened with legal action by parents and others, or even receive letters from lawyers representing the complainants. In the former scenario you should continue to handle the concern/complaint properly and not respond to the legal threat until you receive a letter from lawyers. Once a formal lawyer's letter has been received you should do two things:

- you should acknowledge the letter and tell the sender that you are taking advice and will respond fully in due course; and
- you should take legal advice from your own legal advisers or the School Effectiveness Partner. If the matter appears to relate to a claim of negligence or a wish for compensation then you should inform the finance officer at the local authority (maintained schools).

21 The involvement of elected members

- Complainants will sometimes contact their local councillor or MP at an early stage in a complaint before the school or the local authority's officers have had an opportunity to comment. If this happens, you should inform the councillor that the matter is being dealt with through the school's complaints procedures and (where appropriate) that you are seeking advice from the local authority. Tell them that you will inform them of the outcome. MPs may sometimes misunderstand the limited role of local authorities in dealing with general complaints but are usually satisfied once the process is explained.

22 The role of local authority officers in dealing with complaints

- While a local authority has no statutory framework within which to operate a general complaints function, there are, nevertheless, expectations from government that a local authority will use its detailed knowledge of schools and circumstances to facilitate the resolution of complaints, especially from parents. The DfE regularly asks the local authority for its view where a complaint has been escalated to the department.
- They also liaise closely with the safeguarding team on cases where there is a child protection element. The local authority will always refer such cases to the school's HR advisor and the safeguarding team for any intervention or investigation that may be necessary.

23 Reviewing the complaints procedure

- The governing body should determine how often the complaints procedure is reviewed. The DfE suggests as good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance issued by the DfE or any legislative changes. Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the headteacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

24 Managing aggressive parents

Verbal warnings

In the first instance, you might want to give any aggressive parents or visitors a verbal warning, by speaking to them privately to:

- Let them know their behaviour is unacceptable
- Refer them to your parent code of conduct or equivalent policy, if you have one
- Remind them that any further instances will require further action

Written warnings

After or instead of a verbal warning, you can send the aggressive parent or visitor a written warning. Use this to set out or point to the school's expectations of behaviour, and explain the potential consequences if the aggressive behaviour continues.

25 Banning from the school premises

You can ban someone from your premises if you feel that their aggressive, abusive or insulting behaviour or language is a risk to your staff or pupils.

Tell the individual **in writing** that they've been banned or that you intend to ban them.

The headteacher should usually sign the letter, but sometimes your local authority or trust may want to write it instead, so check with them.

You must let the individual give their side. You can:

- Ban them temporarily, until they've had the chance to formally present their side, or
- Tell them you intend to ban them and invite them to present their side by a set deadline

After you've heard their side, you should decide whether to confirm the ban or remove it and tell the parent or visitor your decision **in writing**. Review the decision within a reasonable time, which is up to you to decide.

This is explained in guidance from the Department for Education (DfE) on [controlling access to the school premises](#).

Annexe A

Model School Complaints Policy

This policy statement is offered for schools to adapt to suit their local needs and circumstances and is not prescriptive. It is suggested that reference be made to the availability of both the policy statement and procedural documents, within the school prospectus or brochure.

1. This policy statement sets out the school's approach to dealing with concerns and complaints. Further details of how we handle them are contained in our procedures document, *[Title]*, which you can obtain on request from the school office.
2. We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
3. We welcome feedback on what parents and others feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
4. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.
5. All school staff and members of the governing body, will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with concerns and complaints, to which they will have access as required. The policy is available on request and also on the school's website.
6. The school's procedures will be reviewed regularly and updated as necessary.
7. Staff and governors will receive training in handling concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.
8. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint once all the stages of the school's procedures have been exhausted, if this appears to be appropriate.
9. The government and the local authority advocate resolution of concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations. The role of the local authority in advising parents (other complainants) and schools on the handling of concerns and complaints is set out in the school's procedures.

Approval date.....

Review date.....

Annexe B

Model School Complaints Procedure

...(school name)... procedures for dealing with complaints

The majority of concerns from parents, carers and others are handled under the following general procedures.

To ensure you receive an effective response to your complaint, it will be helpful if you:

- co-operate with the school in seeking a solution to the complaint;
- express the complaint in full as early as possible; complaints must be raised within three months of an incident occurring;
- respond promptly to request for information or meetings or in agreeing the details of the complaint;
- ask for assistance if needed; and
- treat all those involved in the complaint, with respect.

The procedure is divided into three stages;

The informal stage aims to resolve the concern through informal contact at the appropriate level in school.

Stage one is the first formal stage at which written complaints are considered by the headteacher or the designated governor, who has special responsibility for dealing with complaints.

Stage two is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

Informal stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form teacher/tutor *[secondary schools may wish to insert 'subject teacher' or 'head of year' or similar at this point]*.
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.

4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage one - formal consideration of your complaint

This stage in our procedures applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the headteacher. If, however, your complaint concerns the headteacher personally, it should be sent to the school marked "for the attention of the chair of governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. The complaint will either be investigated by the headteacher or they may ask a senior member of staff to be the investigating officer.
5. Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
6. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
7. The headteacher, or chair of governors/designated governor* may also be accompanied by a suitable person if they wish.
8. Following the meeting, the headteacher, or chair of governors/designated governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
9. If the complaint involves a pupil, his/her parent/carer will be contacted and, if interviewed, we will try to ensure the parent/carer is present. In some cases this might not be possible due to the urgency of the matter and a member of staff with whom the pupil feels comfortable, for example, a learning mentor, will attend the interview.
10. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

11. The headteacher or chair of governors/designated governor will keep dated records of all meetings and telephone conversations, and other related documentation.
12. With regards to meetings with yourself or other witnesses, accurate notes will be agreed by both/all parties.
13. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the headteacher's or chair of governors'/designated governor's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
14. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below. If you wish to move your complaint to stage two, you should contact us within **10 school days** of receiving our response.

*The designated governor will usually be the governor with allocated responsibility for dealing with complaints but may from time to time be another member of the governing body (including the chair of governors)

Stage two - consideration by a governors appeal panel

If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your views in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

However, the aim of a panel is not to reinvestigate the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days** of receiving your request.
2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
3. The headteacher (or whoever investigated at stage one) will be asked to prepare a pack of the documentation related to the investigation and the stage one outcome, for the panel. The panel can request additional information from other sources if necessary.
4. You will be informed, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.

5. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. In exceptional circumstances, and if it is necessary in the interests of the ratifying the investigative process, the headteacher/complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. You will receive the written outcome of the panel meeting with the panel's decision. You may also request a copy of the minutes and should make this request at the start of the panel's proceedings.
11. During the meeting, you can expect there to be opportunities for:
 - the panel to hear you explain your case and your argument for why it should be heard at stage two;
 - the panel to hear the complaint investigator's case in response;
 - you to raise questions via the chair;
 - you to be questioned by the complaint investigator through the chair;
 - the panel members to be able to question you and the complaint investigator; and
 - you and the headteacher/complaint investigator to make a final statement.
12. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the headteacher **within three school days**. All participants other than the panel and the clerk will then leave.
13. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the case;
 - decide on the appropriate action to be taken by the school, if necessary; and
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.

14. The clerk/chair of the panel will send you and the headteacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.
15. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Closure of complaints

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the headteacher, designated governor, chair of governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.

Maintained schools

Where you have been through the school's internal complaints procedures and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website www.education.gov.uk, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU)
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

We would advise parents that, unless the school is shown to have behaved unreasonable or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal

with many issues without reference to either the local authority or the secretary of state.

Academies

If a complaint has completed the local procedures and the person making the complaint remains dissatisfied, they have a right to refer their complaint to the ESFA. They may only be able to help if you are unable to complain, or are not satisfied with how the academy handles your complaint, because the academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA cannot change an academy's decision about a complaint. Their role is to make sure the academy handles your complaint properly by following a published process. The ESFA will not normally consider complaints received more than 12 months after a decision or the academy's last action.

If you think your concerns are within ESFA's remit, please contact them using the online form at

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Approval date.....

Review date.....

Annexe C

School Complaints Recording Form

School's logo

Complaints / Feedback form

Personal Details

Name

Address

.....

Postcode

Telephone number(s)

mail address

If applicable, name of child(ren) and year at school

.....

Your relationship to the school, e.g. parent, carer, neighbour, member of the public, student:

.....

Please give details of your complaint:

--

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

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

Signature

Date

Official Use:

Date of acknowledgment

By whom

Complaint referred to

Date

Annexe D

1. Complaint against a member of the school's staff

[Initial acknowledgement of a concern:]

Dear

Concern about member of staff

Thank you for letting me know of your concern about [...]. I am sorry to hear of this but I am looking into the matter and will contact you again within the next ten working days to let you know how it is progressing.

Yours sincerely

[Name]

Headteacher / Chair of Governors/ Delegated Governor

[Following action taken:]

Dear

Complaint against a member of staff

Further to your letter about [...], I am writing to let you know that I have dealt with the matter in accordance with the appropriate procedures [and following the advice of the local authority / our legal adviser].

Under employment law, complaints about members of staff [the headteacher] must be handled in confidence by the headteacher [chair of governors] in line with our Staff Disciplinary procedures. You are only entitled to know that the matter has been investigated under the confidential procedures; we are not permitted to disclose the outcome of our investigation.

Yours sincerely

[Name] Headteacher / Chair of Governors/ Delegated Governor

Annexe E

Model complaint response letter – stage one

Dear Mr and Mrs X,

Formal stage one complaint regarding X

Thank you for your letter dated.... From your letter(s) it is clear that you are still unhappy with the situation. As a result I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that :

summary of complaint to be stated. State each point separately.

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that
2. Concerning your complaint that

It is important that you are clear about what action the school has taken at each stage of the process so far:

Informal stage

State what action was taken in response and the outcome of this.

Formal stage one

State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.

I hope this response answers your concerns. Please let me know if you wish to meet so I can clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will consider the facts of the case but will not, however, rehear the whole case.

To go to the next formal stage, you should write to the chair of governors within 10 school days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two panel of governors, you can complain to the Secretary of State for Education who will consider how your complaint has been handled.

Yours sincerely,

Annexe F

Template for letter to invite complainant to stage two panel

Dear XXXXXXXX

I am writing to confirm arrangements for the stage two panel hearing.

Date and time of the meeting

The meeting will take place **on** **at** . This meeting is to give you the chance to present your views on the complaint in front of a panel of three governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

In academies the panel will consist of at least three governors with no prior involvement or knowledge of the complaint, *one of whom will be an independent panel member*.

Panel members

The members of the panel will be:

Member

Member

Member

Purpose of the meeting

The panel will aim to establish facts and make recommendations. They will not be looking to re-investigate the complaint but will review how the complaint has been investigated and determine whether this has been conducted fairly. I should be grateful if you could let me know if you wish to provide any further written documentation in support of your complaint; this should be submitted prior to the review panel meeting.

Enclosures

I have included with this letter relevant correspondence and reports regarding the stage one investigation; the panel can request additional information from other sources if necessary.

Entitlement to be accompanied

You are entitled to be accompanied to the meeting. The choice of person to accompany you is your own but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.

Format of the meeting

The panel will ask you to present your case as to why you are not happy with the investigation of your complaint at stage one. The panel will then ask questions and comment as appropriate through the chair. The investigating officer will then present their case and time will be allowed for questions and comments. If appropriate, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new information. The chair of the panel will then sum up the proceedings and allow time for final questions and comments.

Minutes of the meeting

The chair of the panel will ensure that the meeting is properly minuted. If you would like to have a copy of the minutes you should let the chair of the panel know in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.

Outcome of the meeting

In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the headteacher within three school days. All participants other than the panel and the clerk will then leave.

The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision;
- recommend to the governing board, where appropriate, changes to the school's systems or procedures to ensure that similar problems do not happen again.

You and the headteacher will be sent a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education/ESFA if you remain dissatisfied.

Yours sincerely

Chair of the panel

Annexe G

Template for final response letter following stage two panel

Dear

Thank you for taking the time to attend the meeting on xxxxxxxxxx regarding your complaint which can be summarised as follows:

You are not happy with

The panel have considered the format and method of investigation, content of letters received and issued and the school complaints policy and procedures. As you are aware the complaint investigator attended the meeting and was asked a number of questions for clarification.

Following consideration we feel a detailed investigation **was/was not** carried out, and this **was/was not** done fairly. Therefore, the decision of the panel is to **uphold/overturn/partially uphold** the outcome of the stage one investigation.

We would like to thank you for feedback, both in your letter and through your considered contribution during the meeting. The panel will ask the school and governing board to specifically consider:

- **recommendation**
- **recommendation**

The panel very much regret how this experience has made you feel and we wish to assure you that xxxxxxxx school is committed to the **x e.g the safety and welfare of all its pupils.**

Maintained schools

If you remain dissatisfied with the way in which your complaint has been dealt with, and outcomes agreed, you can contact the Secretary of State for Education through the DfE website www.education.gov.uk or by writing to the following address:

The School Complaints Unit
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Academies

If you think your concerns are within ESFA's remit, please contact them using the online form at

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Yours sincerely

Chair of the panel

2. Closure of a complaint

Dear

Complaint about [*nature of complaint*]

Further to your complaint, and the action we have taken to address it, I am writing to inform you of our decision to close communications with you on this matter.

The school and governing body regret having to take this formal step. We are confident that we have done everything possible to try to resolve the problem but it is clear that we cannot do this to your satisfaction.

The continuing attention that you are asking us to give to this matter is drawing on time and energy that we feel we need to direct towards the interests of all pupils and the school as a whole. For this reason we will not be pursuing the matter any further.

[In the case of church schools: We have informed the Diocese of this action.]

Yours sincerely

[Name]
Chair of Governors

Annexe H

Informing the complainant of a ban, or warning of a ban, from the school building or premises

Dear

(Warning of an impending ban:)

I regret having to write to you in such a formal way but the governing body has decided that we may have to ask you to not to enter the school building [school premises] in future if your current intimidating behaviour continues.

(Notification of an actual ban:)

I regret that I must inform you that the governing body has decided that we must ask you not to enter the school building [school premises] until further notice as your behaviour is intimidating to members of the administrative and teaching staff, as well as to the pupils. The Local Government Act regarding behaviour on school premises entitles us to take this action. Also, under Section 547 of the Education Act 1996, if we take action against you, it could result in a fine of up to £500.

(In either case:)

We accept that you have concerns about [detail] and we are willing to discuss it with you in a reasonable and open manner. We cannot, however, allow you to continue to disrupt the smooth running of the school. If you would like to telephone the school office to arrange an appointment, we will be pleased to meet with you. I will also consider any representations in writing that you may wish to make.

(If the complainant is persistently flouting a ban:)

We wrote to you previously to ask you not to enter the school building [premises]. You have not complied with this request and so we have no choice but to seek legal action to restrain you from continuing to disrupt the school by your enforced entry. We can involve the police and the County Council's legal advisers [our own solicitors], and this could result in a criminal conviction and a fine of up to £500.

Yours sincerely

[Name]

Chair of Governors

Appendix A

Complaints which are subject to statutory procedures

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures. The head teacher will in most cases determine which if any of these statutory procedures apply.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint the complaints procedure should be suspended until the statutory procedure has been concluded.

Exceptions	Who to contact
• Admissions to schools	Concerns should be raised direct with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government and Social Care Ombudsman.
• Statutory assessments of Special Educational Needs (SEN)	Contact the SEND Operations Team in your quadrant https://schools.essex.gov.uk/pupils/SEND/Pages/SEND-Operations-Service.aspx
• School re-organisation proposals	Contact Essex County Council school.organisation@essex.gov.uk
• Matters likely to require a Child Protection Investigation	If you have a concern as a practitioner please call the Children and Families Hub on: 0345 603 7627. Open 8.45 am to 5.15 pm Monday to Friday. Outside these hours you can call: 0345 606 1212.
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions
• Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about service.
<ul style="list-style-type: none"> • Complaints regarding requests for term time absence 	These requests are entirely at the headteacher's discretion. Therefore, they do not come under the remit of the complaints' procedure.

Appendix B

Model policy for managing serial and unreasonable complaints

<...School> is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

<...School> defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; or
- publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact <...School> causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from <...School>.

Appendix C

The Role of the School Complaints Unit – maintained schools

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation.

However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal direction being issued by the Secretary of State in accordance with his powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

The role of the ESFA (academies)

If a complaint has completed the local procedures and the person making the complaint remains dissatisfied, they have a right to refer their complaint to the ESFA. They may only be able to help if they are unable to complain, or are not satisfied with how the academy handles their complaint, because the academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA cannot change an academy's decision about a complaint. Their role is to make sure the academy handles your complaint properly by following a published process. The ESFA will not normally consider complaints received more than 12 months after a decision or the academy's last action.

If you think your concerns are within ESFA's remit, please contact them using the online form at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

Appendix D

Guidance for chairing stage two panels

The role of the panel is to consider the way the complaint has been investigated and handled by the school (or governor if it is about the headteacher) and offer a fresh perspective on the facts of the complaint. The panel will hear the report of the investigating officer and will review the investigation carried out at stage one, referring to the complaints policy and procedures to determine if these were followed. **The review should not consider any points not raised in the initial complaint unless agreed beforehand.**

The panel should meet within 20 school days of receiving the request. The complainants and investigating officer will be informed of the date, time and venue of the appeal hearing. A template for the invite letter is included as Annexe F. All parties must be provided with the report of the investigating officer/a pack of supporting documentation for review prior to the meeting.

The panel will comprise of three governors who have had no previous knowledge of, or involvement in, the case. *In an academy, one of the members will be independent.* The panel should not include staff governors.

The meeting should be formally clerked and a set of minutes produced. If they are to be shared with the complainant it should be made clear that no changes will be made to the content of the minutes.

The panel can:

- 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.

The decision of the panel is final and will be communicated in writing to complainants and the headteacher within three school days. If the complainant remains unhappy the final stage of appeal is to the Secretary of State for Education or ESFA.

How to run the panel meeting

The chair of the panel will summarise the format of the meeting (this might also have been included in the invite letter) which should contain the following steps:

- those present will be asked to introduce themselves and their role/purpose
- the complainant will be asked to explain their complaint and why they feel it should be heard at stage two;
(it may be necessary at this point, especially for lengthy complaints, for the panel chair to summarise the complaint and ask the complainants if the summary is accurate. The summary can then be used to ensure discussion during the meeting remains focussed on the complaint and does not stray into other matters)
- the complaint investigator will be asked to explain how the investigation was conducted (a pack of information should have been shared with everyone beforehand);
- the panel and complainant will have the opportunity to ask the complaint investigator

questions;

- the panel and complaint investigator will have the opportunity to ask the complainant questions;
- the complainant and complaint investigator will be asked if they have anything else to add before the meeting is closed.

At this point the first part of the meeting is over. The panel chair should sum up proceedings and thank those present for their involvement. The panel chair should reiterate that a written response will be provided within three school days.

The complainant and complaint investigator will leave the meeting.

The panel (and clerk) will remain and the panel will consider the evidence and reach a decision. This could be to uphold the stage one decision or to overturn it and will also, where appropriate, make recommendations to the governing board for changes in procedures. It is always healthy to look back and see if matters could have been handled better.

A decision letter should be issued within three school days of the meeting, and include reference to the final course of redress, via the Secretary of State for Education or ESFA. A template is included as Annexe G.

Appendix E

Sources of support for Essex schools

ESFA guidance for academies

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

DfE guidance for maintained schools

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

Essex Primary Headteachers' Association

www.essexprimaryheads.co.uk

Essex Legal Services

<https://www.elslegal.org.uk/>

Essex Education Team

Contact your School Effectiveness Partner

<https://schools.essex.gov.uk/data/saes/Pages/landing.aspx>

Juniper Schools HR

<https://junipereducation.org/catalyst-people/>

Critical Incidents

https://schools.essex.gov.uk/admin/Critical_Incidents/Pages/Critical%20Incidents%20and%20School%20Closures.aspx

ECC Press Office 0333 013 2800.

For out of hours situations call 07717 867 525

Your Union representative:

Your HR adviser:

Your legal services adviser: