

## Managing Complaints

### Introduction

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.

### 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, and be clear about what parents are allowed to see and how they can obtain information.
- Publicise your arrangements for handling concerns as part of your general information policy. Consider providing a “concerns and complaints leaflet” as well as your policy.
- Ensure that all staff are aware of statutory regulations regarding areas such as health and safety, safeguarding, exclusions – and they know the behaviour policy.
- 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.

### 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 that has happened.”

### **Anonymous complaints**

It will obviously be harder to investigate an anonymous complaint than one where you know the complainant's name, as you won't be able to call them to give evidence and implement your procedure as usual. If you can find out enough information to take the complaint further, or if the complaint is serious, follow your policy as closely as you can. If you can't find out any other information or the complaint isn't serious, it's reasonable to decide that you can't take any further steps. Consider seeking legal advice if you need help figuring out whether a complaint is serious enough to merit further steps.

Remind staff and parents that complaints will always be investigated where possible, but that it's more difficult when complaints are anonymous. You could take the chance to reassure employees in particular that you'll always handle complaints in line with the school's policy, and will respect confidentiality.

### **Evidence**

Evidence is vital. Make sure that you record a note of any potentially problematic discussion or communication with a parent; retain this on the child's file. Contemporaneous records of conversations are admissible and can be used, whereas simply trying to remember what happened months ago is questionable and is not considered good evidence.

### **Your complaints procedure/policy**

All maintained schools must have a complaints procedure and it is helpful to include a policy about managing serial and unreasonable complaints.

Under [Section 29\(1\)\(b\) of the Education Act 2002](#), you must publicise your complaints procedures on your school website.

Your procedure should cover all types of complaint you might expect, including those against staff, the headteacher and governors, and serial complaints. Anyone can make a complaint about a school. They don't have to be a parent of a current pupil.

Maintained schools guidance: set out in the [best practice complaints guidance for maintained schools](#) published by the Department for Education (DfE), which you must 'have regard' to. This means you should follow it unless you have a good reason not to.

Academies must have a complaints procedure to handle complaints from parents and pupils. It must be in writing, be made available to parents and set out clear timescales for the management of the complaint.

This is required by schedule 1, part 7 of the [Education \(Independent School Standards\) Regulations 2014](#), and explained in the DfE's [best practice guidance for academy complaints procedures](#).

### **Your school's standard complaints procedure will not cover the following:**

- Admissions
- School re-organisation proposals
- Statutory assessments of special educational needs (SEN) – this means education, health and care (EHC) plan procedures or the content of the EHC plan, [according to the DfE](#)
- Safeguarding matters – including allegations of abuse against staff
- Exclusions
- Whistle-blowing
- Staff grievances

- Staff discipline
- Complaints about the content of the National Curriculum – these should be directed to the DfE, but complaints about your school's delivery of the curriculum are within the scope of your policy
- Complaints about collective worship – these should be directed to the LA, the local Standing Advisory Council on Religious Education (SACRE), or the relevant religious authority

### **Managing a complaint**

#### *Listen*

- Let the complainant have their say. Make it clear that you have heard the complaint. Say something like, “Thanks for letting me know. I’ll follow this up and get back to you by ...” Name a time that is easy to achieve and contact the complainant with your progress report towards resolution of the issue.
- Make the complainant feel that you value their coming to you. Do this even if they (or you!) are angry. Remain calm even if what is being said seems unfair. You are the one in control of the situation.
- Write down the specifics of the complaint. You might need to get the complainant to pause while you gather things to write with. Check back that you have the details right. If it seems appropriate, ask them to write down the complaint as well, so that you can compare what you have written with what they said. Keep this written documentation safe, as you may need it later.
- If there is a possibility that the complainant will become aggressive, either physically or excessively so verbally, you should ensure that you are not meeting with them alone and that you are able to call upon additional assistance, should matters get out of hand.

#### *Investigate*

- Depending on the nature of the complaint, you will probably not need to respond straight away, other than to thank the complainant for letting you know. However, if you deem the complaint to be serious, for example if it involves the safety of a child or staff member, you may need to take immediate action before you can begin an investigation. This may involve the removal of a person, or contacting external support. Do not assume blame on anyone’s part until you have gathered all the facts.
- Make a judgment call about the time you need to deal with this complaint. Is it something that you can leave for a little while, or something that requires nipping in the bud now? Ask yourself what the consequences of not dealing with the complaint immediately are likely to be.
- It is possible that the complainant will expect an instant response. Reassure them that you will give them a response as soon as you have had time to consider it. Use this time to assess the gravity of the complaint, and then you can prioritise it. Don’t leave dealing with it for too long, though. Small issues can grow out of all proportion if they are not dealt with smartly. The priority scale you might use will probably be: now, later today, tomorrow or the day after, rather than next week.

### *Inform where necessary*

- Let everyone who needs to know, know what is going on. Any staff member who is the subject of a complaint must be told about it and any likely investigation of it as soon as the complaint is received.
- Tell all parties that discussions are confidential.
- Keep those who are affected informed about what is happening, especially if the investigation takes longer than expected. Clear communications will help people to feel confident that you are handling the situation appropriately.
- Procedure must be strictly followed or you might find yourself in an employment-related situation.
- Taking too long to act invites speculation and encourages those who don't need to know to become involved.

### **The complaints process**

The process should be set out in detail in your Complaints Policy. Generally, the procedure is divided into three stages:

- Stage 1 aims to resolve the concern through informal contact at the appropriate level in school.
- Stage 2 is the first formal stage, when complaints are considered by the Headteacher.
- Usually, concerns and complaints are resolved either at Stage 1 or Stage 2. If following these stages, the complaint is not resolved, the Governors will become involved and take the complaint to Stage 3.
- Stage 3 involves a complaints review panel of governors, who review how the complaint has been handled and the outcome and decisions so far.

If the school has completed its procedures but the complainant remains dissatisfied with the outcome, they have a right to refer their complaint to the School Complaints Unit (maintained schools) or the ESFA (academies).

### **Membership of the complaints review panel**

Maintained schools: There should be three governors on the complaints review panel. It's up to governors to decide who these three are, although it must be people who have had no previous involvement in the complaint. The headteacher shouldn't sit on the panel.

Academies: the panel will consist of at least three members, who have had no prior connection with the complaint and at least one of these must be an independent panel member. This is to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint. The independent panel member will not be a member, trustee or employee of the school.

You should consider whether staff and parent governors can act impartially, or whether it puts them in a difficult situation with colleagues or their child's teacher, for example.

If you can't make up a panel with your own governors, you can borrow some from another school. If you arrange complaint panel meetings on an ad-hoc, informal basis, you don't need to do this formally under the [School Governance \(Collaboration\) \(England\) Regulations 2003](#). These regulations are only for 'standing' committees with set terms of reference and standing membership (e.g. staffing or premises).

It is important that the meeting is managed and clerked effectively. Ideally, do not employ a member of staff in school to undertake the panel meeting as they may not be considered impartial by the complainant. If your Clerk to Governors is inexperienced in advising on specialist hearings, contact Juniper Clerking Agency for an experienced clerk, or contact EPHA for advice.

If it is necessary to hold a complaints review panel meeting, your clerk should liaise with all parties (school, panel members and complainant) to agree a mutual time for the meeting. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties. *(Ensure that this is clear within your policy.)*

### **Communicating the outcome of the panel meeting**

Send the complainant:

- The conclusion, reasons for your decision, and their right of appeal, in writing
- Copies of the minutes

Outcomes of the complaint could include:

- The complaint being dismissed or upheld
- (If it's a staff conduct complaint) informing the complainant that the matter is being addressed - complainants won't be informed of any disciplinary action taken against staff as a result of the complaint
- The complaint being referred to the School Complaints Unit or ESFA, if the person who complained thinks it wasn't handled properly

### **Recording the complaint**

You should:

- Record the progress of the complaint and the final outcome
- Determine who's responsible for these records and make sure the data is kept secure

It's up to you to decide how long to keep records for. Best practice is:

- For major complaints, keep records for 6 years after the complaint is resolved
- For complaints related to negligence, keep records for 15 years after the complaint is resolved
- For complaints related to child protection or safeguarding issues, keep records for 40 years after the complaint is resolved

This is set out in the Information and Records Management Society's [information management toolkit for schools](#).

### **Managing serial and persistent complaints**

You should do your best to be helpful to people who contact you with a:

- complaint or concern
- request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

### **When to stop responding**

The decision to stop responding should never be taken lightly. 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
- 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
- you have reason to believe the individual is contacting you 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.

### **Barring from school premises**

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, they can be asked 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
- 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
- when the decision will be reviewed

Once the school’s appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

[Controlling access to school premises](#) provides more guidance on access to school premises.

### **Top tips**

- Know your complaints policy (and the law) and review on a regular basis.
- Make sure that staff have read the policy and understand how to manage complaints.
- Evidence is critical. Make sure that records of conversations are noted and all written communication retained..
- Because complaints may escalate through stages, it is essential that governors and the clerk are aware of the Complaints Policy and procedures, and ideally have had training.

- They also need to understand the school rules and any home-school agreement that is in place. Schools need to have the backing of their governors.
- Consider strengthening your Home-School Agreement, to stress what behaviour is expected on your school site.
- Try not to take a complaint personally.
- Check employment agreements and regulations.
- Seek legal advice if required.
- Don't be afraid if a complaint is escalated to the School Complaints Unit or ESFA – this may be the only way to finally resolve a persistent complaint.

### **Additional guidance, information and further reading**

- DfE Best practice guidance for school complaints procedures  
*Maintained schools*  
<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>  
*Academies*  
[Best practice guidance for academies complaints procedures - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-academies-complaints-procedures-2019)
- The School Complaints Policy  
EPHA has produced model policies for maintained schools and academies, along with less formal Concerns & Complaints leaflets that you can provide to all parents.  
<https://essexprimaryheads.co.uk/info-and-documents/model-policies/>
- EPHA Complaints Toolkit for Essex Schools  
<https://essexprimaryheads.co.uk/files/complaints-toolkit-schools-essex-2022.pdf>
- Controlling access to school premises  
Guidance to help schools understand what they should do to remove someone who is on the premises without permission.  
[Controlling access to school premises - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/school-complaints-procedures/controlling-access-to-school-premises)
- Essex Legal Services  
<https://www.elslegal.org.uk/>

Handling Parent Complaints -- The Good, the Bad, and the Ugly

[https://www.educationworld.com/a\\_curr/voice/voice082.shtml](https://www.educationworld.com/a_curr/voice/voice082.shtml)

Nice article written by a teacher on the different kinds of parents who complain

Build your armour against parental abuse – Schools Week article

<https://schoolsweek.co.uk/how-to-build-your-armour-against-parental-abuse/>