

Part One. Practical advice for schools when dealing with parental concerns or complaints

A school, like any other organisation, will sometimes receive feedback from parents or ‘customers’ that is less than positive. In order to ensure that relationships with parents are nurtured and in order to learn and develop as a result of the experience, it is essential that schools embrace such feedback. They not only need to demonstrate that this feedback is genuinely welcomed and is taken seriously, but that actions are taken and outcomes are monitored so that future policies and practices are influenced for the better and contribute to the school’s overall continuum of improvement.

The school’s Complaints Procedure (see Part Two) should be reviewed regularly and published on the school website. These documents should be adapted to suit the school’s own context.

Mediation should be considered at any point in the complaints procedure (see page 2).

This guidance is based on best practice and can be used in both maintained and academy schools. Maintained schools should also refer to The Department of Education Complaints Toolkit. Academies should refer to the Education (Independent School Standards (England) Regulations 2014 (Schedule 1, Part 7) to ensure that they are compliant. This guidance also includes as separate documents:

Part Two. Practical advice for parents and carers who want to raise a concern about the school – the school’s Complaints Procedure

Part Three. Guidance on developing clear parental expectations and managing unreasonable behaviour

Part Four. Model policy for managing unreasonable behaviour

Part Five. Model letters

Schools may wish to personalise, adopt and publish Parts Two and Four for parents.

School Resolution – (Stage 1 of the Complaints Procedure – informal)

Often the best way to deal with a concern or complaint is for the member of staff, headteacher or governor to talk with the complainant so that the school can understand what the concern or complaint is about and take any appropriate action to put things right.

The best person to undertake this first stage needs to be agreed as soon as the concern is raised. In general, if the concern or complaint is a day-to-day classroom matter, this should first be dealt with by the class teacher. On matters raised about a member of staff or a school policy or procedure, this would normally be dealt with initially by the headteacher but could be managed by a named governor in order to effectively manage the headteacher's work load. A named governor would be required to take this on, if the concern or complaint is about the headteacher.

The headteacher or governor may also want to take the opportunity to explain what has happened from the perspective of the school or staff member involved. Low level concerns or complaints about staff members or the application of school policies and procedures can be dealt with quickly and effectively by a headteacher or a governor using this approach, which is known as a 'School Resolution'.

This way of dealing with a complaint means solving, explaining, clearing up or settling the concern or complaint directly with the complainant. It will not result in conduct or capability action being taken against an individual member of staff and the matter will be closed after the process is completed.

How does the School Resolution process work?

Once the concern has been raised or the complaint made, the headteacher or governor who is looking into it should make early contact with the complainant, by arranging a face-to-face meeting, by telephone or contact by letter if the complainant prefers.

For their part, the complainant will need to:

- tell the school what happened and how they felt about it
- say what action they would like to see taken as a result
- agree the process for resolving their concern or complaint

This process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – schools are centres of learning for everyone, and it is about learning from what has happened and working together to make sure it doesn't happen again.

For its part, the school will:

- listen to the concerns
- explain what can happen to resolve the complaint
- confirm with the complainant the process that will be followed and who will deal with it

- if necessary, carry out a more detailed investigation into the concern or complaint. This is called School Investigation (see stage 2 and 3)
- tell the parent/carer of children with SEND (Special Educational Needs) how they can access support from DIAS Devon Information Advice and Support service (this is a requirement in the SEND Code of Practice)
devonias@devon.gov.uk 01392 383080,
www.devonias.org.uk

What can the complainant expect from a School Resolution?

Most concerns or complaints are not likely to involve extensive or lengthy enquiries, and therefore the complainant should be encouraged to expect an approach that is appropriate to the complaint made. However, the school should normally respond to a complainant within 2 working days of the initial concern being raised, with a meeting or dialogue and feedback provided within 10 working days of the concern being raised.

If, on consideration, the matter looks more complex, the person responsible for handling the concern needs to contact the complainant to let them know that more time is needed and to reset timescales.

As the School Resolution process is aimed at quickly resolving the complaint informally and learning from it, it won't lead to any formal proceedings against a member of staff. However, where appropriate, the member of staff might receive additional training, advice or other support as a result.

If the concern or complaint is an expression of dissatisfaction with something the school has either done or not done, and not about somebody - for example, about the way the school operates its policies or is directed to fulfil its statutory obligations - then it will still be resolved using this approach.

Mediation

If at any point communication breaks down during the handling of a complaint, mediation is a valuable strategy to enable and facilitate resolution.

Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal, impartial and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships.

For more information, please contact: roger.morris@devon.gov.uk 07966 474364.

This is a free service to Devon maintained schools. There is a small charge to academies.

What happens next?

There are different ways of dealing with the concern or complaint using The School Resolution Process. These include:

- immediate resolution by providing information face-to-face or by telephone, as appropriate
- a letter from the school concluding the matter after proportionate consideration, explaining what has been done
- individual communication between the complainant and the person the concern or complaint was about. This is organised through the headteacher or governor
- a face-to-face meeting with the person working on the concern or complaint and/or the person the concern or complaint was about. This requires the consent of all parties

What might happen as a result?

The school could take the following actions to resolve the complaint:

- provide information or an explanation to clear up a misunderstanding;
- apologise on behalf of the school
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by the governing body to address matters of school policy or procedure
- arrange feedback and support by the headteacher to address any issues arising about a member of staff and their actions or behaviour
- apologise on behalf of the person the concern or complaint was about, but only if they agree to this
- if necessary, move to a more detailed investigation using parts 2 and/or 3 of the school's Complaints Procedure (see Part Two of this document)

School Investigation (Stages 2 and 3)

If the complainant or the person looking into the concern considers that the School Resolution has not delivered a satisfactory conclusion, there will follow a School Investigation in accordance with Stages 2 and/or 3 of the school's Complaints Procedure (See Part Two).

It is intended that the concern or complaint will be resolved, explained, cleared up or settled directly with the complainant, but doing so with a more detailed investigation than at the School Resolution level.

It is possible that during this detailed investigation, concerns regarding a member of staff's conduct or capability may be raised which require further investigation. In this case, the named investigator will put the complaints process 'on hold' whilst any staff disciplinary process is carried out according to the relevant procedure. When this disciplinary process is concluded, the outcomes will feed back into the complaints process so that the complainant can

be informed of the school's findings. It is important that Human Resources support is sought during any staff disciplinary procedure, including seeking advice on the content of any information which is communicated to the complainant. The matter will be closed after the process is completed.

How does the School Investigation process work?

See the school's Complaints Procedure (Section Two)

Once the concern or complaint is made, the headteacher or governor who is looking into it must make early contact with the complainant, and arrange to talk face-to-face, on the telephone or contact them by letter if they prefer.

The principles of School Resolution apply to the complaints procedure in that despite the fact that this is a formal procedure, the intention is to look openly and without prejudice at the concerns that have been raised and consider what the school might have done differently or better and what actions might need to be taken to resolve matters and to ensure that similar concerns do not need to be raised again. It is important not to approach the Complaints Procedure like a 'court of law' but simply as a process which allows a more detailed investigation of the issues raised. This may involve talking to a range of individuals and gathering information which will allow the investigator to make a decision regarding what actions, if any, the school needs to take as a result.

Key features of a good investigation:

A calm and friendly approach, the school needs to be explicit and genuine in its commitment to listening to parents' concerns - Generally parents do not find it easy to make a complaint, and if they have done so, it is likely that they may feel upset, worried and even angry.

A quick response – the longer it takes to get in touch with a complainant to let them know that you are taking their concerns seriously and to give them some timescales for a resolution, the more likely it is that the complainant will become frustrated. This will make an informal, respectful and productive dialogue more difficult to achieve.

Clear communication and clear timescales – The person investigating the complaint needs to be very clear in the initial contact, what the complainant can expect in terms of the timings of communications from the school regarding their complaint. It is helpful if they offer to negotiate methods of communication too: for example would the complainant prefer an email, a face-to-face meeting or a letter?

As a guideline

- An initial response acknowledging the complaint should be sent within 2 working days
- A dialogue to discover the detail and nature of the complaint with the complainant should take place within 5 working days
- A letter/meeting communicating the outcome of the investigation should be despatched within a further 10 working days

Some concerns or complaints may demand more detailed and perhaps time consuming enquiries, and therefore the school should advise the complainant to expect an approach that is appropriate to the concern or complaint made.

Open and detailed feedback - Following the investigation (stage 2 and 3 of the complaints procedure) the person carrying out the investigation should share their findings with the headteacher and then provide feedback to the complainant which details any recommendations to be made to the headteacher/governing body regarding actions to be taken by the school.

Open and timely demonstration of actions taken/outcomes from the investigation – If the complaints procedure has resulted in recommendations for action which might involve changes to policy and/or practice, it is essential that the complainant sees some demonstration of this change.

Ensure that details of the complaint are not shared with other governors at this stage – Whilst the governing body is corporately accountable for the school and therefore expects clear and formal communication of work done on its behalf, in the case of complaints (and other matters that may require them to form an appeal panel), it is important that information is not shared amongst governors. Thus a complainant should not be advised to send a letter to the governing body as a whole, nor should letters of complaint or updates on the progress of a complaint be given to governors either within or outside of governing body meetings. This is essential in order to protect the integrity and objectivity of the process so that any governors involved in an appeal are able to do so objectively.

Much like the School Resolution stage, outcomes from an investigation using the complaints procedure might include the following:

- an apology on behalf of the school
- providing information or an explanation to clear up a misunderstanding
- learning from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arranging action by the governing body to address matters of school policy or procedure
- arranging feedback and support by the headteacher to address any issues arising about a member of staff and their actions or behaviour
- apologising on behalf of a person that was complained about, but only if they agree to this
- informing the complainant of any actions to be taken by the school as a result of the investigation
- Providing feedback when those actions have been taken

Appeal against the decision (Stage 4)

If the complainant remains unsatisfied following the outcome of stages 2 and 3 of the school's Complaints Procedure, they have a right to appeal against the decisions made. An appeal panel (second committee) with clear terms of reference should be made up of three governors who have had no prior knowledge of the detail of the complaint. It is good practice for governing bodies to delegate this committee role to a pool of named governors, so that when judging impartiality, there is some flexibility regarding the membership of the final panel of three.

Academies must ensure that one member of the appeal panel is independent of the management and running of the school (not a school governor).

Mediation can be considered at any point during this process. Early intervention gives the best results though, so if in doubt please contact The Mediation Service (see page 2).

Timescales and Communications – Guidelines

Following the outcomes of stage 2 (and 3 where appropriate), the school should inform the complainant within 5 working days, of their right to appeal against the decision giving the complainant 20 working days to respond to this. If the complainant requests an appeal the school should write to them with a date for the appeal that is within 15 working days (see model letter 3). If the complainant wishes to appeal, the clerk to governors should send a letter with a suggested date within 10 working days of the receipt of the request to appeal (see model letter 4). Following the appeal meeting the governing body should inform the complainant of the outcome within 5 working days (see model letter 5).

Key features of a good appeal hearing (from DfE Complaints Toolkit)

It is important that the appeal hearing is independent and impartial and that it is seen to be so.

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend
- The governors sitting on the panel need to be aware of the complaints procedure

The role of the Clerk to Governors

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties 7 days in advance of the meeting
- meet and welcome the parties as they arrive at the hearing
- record the proceedings
- notify all parties of the panel's decision

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

The role of the Chair of the Governing Body or the nominated governor

- Check that the correct procedure has been followed
- If a hearing is requested, notify the clerk to arrange the panel

The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties

Notification of the panel's decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision) within 5 working days. This letter needs to state that this is the end of the school's Complaints Procedure and that the final stage of appeal is to the Secretary of State for Education. In this case complainants should be advised to write to:

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

or make a complaint on line at
www.gov.uk/complain-about-school