



**ELTHAM**  
CHURCH OF ENGLAND  
PRIMARY SCHOOL  
SINCE 1814

## COMPLAINTS PROCEDURE

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## **Background**

Some Governing Bodies adopt ad hoc complaints procedures, while others have formally adopted procedures, the contents of which cover an enormous spectrum. Some of these procedures allow for adversarial hearings and/or numerous appeal stages up to and including LA level. As a result, school leaders are not infrequently faced with protracted and often spurious complaints. These generate enormous additional workload (100+ hours is not unusual) and tremendous personal stress, particularly where the complainants are aggressive or accusatory. Many of these protracted procedures actually militate against complaint resolution as the focus becomes one of blame allocation and retribution rather than concentrating on taking steps to rectify an error/oversight or preventing a recurrence.

## **The legal framework**

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, other than “complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a “general” procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a “fair” procedure.

## **Informal procedure**

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach should normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing (see model form). The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

### **Formal procedure**

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing (see model form). On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information.

Statute requires every school to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the school or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission

### **Appeals**

When the school's procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

### **Selecting the most appropriate procedure**

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore schools should have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

| <b>Nature of contact</b>   | <b>Appropriate person to receive contact</b>  | <b>Relevant policy/procedure</b>  |
|--|---|---|
| Request for published information  | School office   | FOI Act<br>Charging policy  |
| Request for personal pupil information                                     | Head teacher or senior member of staff  | DPA<br>Charging policy  |
| Complaint about GB policy (content or application of)                      | Clerk/chair   | General complaints procedure  |
| Concern about provision of facilities or services by the school            | Head teacher<br>Chair   | General complaints procedure  |
| Allegation about conduct of a member of staff                              | Head teacher or chair (if allegation against head)                                  | School staff discipline procedure (Confidential to school and employee)                               |
| Allegation of verbal or physical assault by employee on pupil              | Head teacher or child protection co-ordinator or chair (if allegation against head) | Local child protection procedures (confidential to school, LA, CPO and parents of alleged victim)     |
| Allegation about capability of a member of staff                           | Head teacher or chair (if allegation against head)                                  | School staff competence procedure (Confidential to school and employee)                               |
| Conduct of another pupil (e.g. bullying)                                   | Head teacher or senior member of staff  | School behaviour and discipline procedure (Confidential to school and parents of alleged perpetrator) |
| Discipline of a pupil  | Head teacher or senior member of staff  | School behaviour and discipline procedure (Confidential to school and parents of pupil)               |
| Content of / failure to maintain a statement of SEN                        | Head teacher / SENCO<br>LA  | LA procedures   |
| Admissions   | Chair   | Admissions procedure<br>Admissions appeal procedure   |
| Exclusion  | Chair   | Exclusion appeal procedure  |
| Failure to provide NC Entitlement or inappropriate curriculum              | Head teacher<br>Clerk to GB<br>LA   | LA procedure  |
| Extended services  | Manager of relevant service   | Procedures of service provider  |
| Decision to remove licence for a person to enter school premises (banning) | Clerk to GB/Chair   | GB appeal committee   |

## General principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)
4. The responsibility for dealing with general complaints lies solely with the school. The procedures of LAs, Diocesan Boards and other agencies are expected to reflect existing legislation and ensure that any complaint received by them, which does not fall to them by statute to resolve, will be redirected to the school immediately and that the complainant be informed accordingly.
5. Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants. Model letters are included in annex 4 to the procedure.
7. In advising complainants of the outcome of their complaint it is important to be most circumspect in the details provided. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee’s employment or data protection rights. Sample responses are included in annex 4 to the procedure.
8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, should not be accepted.

9. Any governors involved in the process should receive prior training for their role.
10. It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being directed, say, to the LA, Secretary of State, Councillors, MP, local paper, individual governors, the Diocese or the Bishop. Therefore it is essential that reference is made to the existence of the General Complaints Procedure in the school prospectus.
11. Some existing procedures include a “hearing” stage, where the subject of the complaint is questioned in the presence of the parent or by the parent. The absence of such a stage in this procedure is deliberate as its inclusion creates an opportunity for confrontation, which runs counter to the resolution of any complaint.
12. Complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances.
13. Schools should include an indication of the time scale within which the school will process the complaint. e.g. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed as soon as reasonably practicable, say within 10 school days, save in exceptional circumstances.
14. The matter of keeping a record of the complaint and its investigation could be addressed. The issue of taking notes/minutes may also be addressed, along with that of their safe storage.
15. The procedure should be designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures “closure”. This is more likely to be the case if the procedure adopted has been the subject of consultation.
16. The use of well designed “Complaints” and “Review Request” Forms may assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents. Model letters are included in annex 4 of this document.
17. It is usually unhelpful if a complaint is broadcast to the school community. Therefore the school should make it clear any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise. This is more likely to meet with a favourable response if the complainant is convinced that the school is taking their concern seriously and is actively seeking to resolve the matter.

## **Vexatious complainants**

It is clear from the information provided by our members that the vast majority of complaints are resolved by informal contact. Problems arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong.

It is these latter circumstances that can lead a school, which is acting very reasonably, to be drawn into an interminable saga with letters flying back and forth with each reply demanding more and more answers to more and more questions. Often an attempt to clarify the situation will trigger a multitude of questions, none of the possible answers to which serve any constructive purpose. It is these vexatious complainants from which schools need protection.

## **School Complaints Procedure**

### **General Principles:**

- This procedure is intended to allow a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

## **Raising a concern or complaint**

### **1) Informal Stage**

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

In the case of serious concerns it may be appropriate to address them directly to the head teacher (or to the chair of the governing body, if the complaint is about the head teacher).

If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

### **2) Formal Stage**

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the head teacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you.

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to consider in resolving your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the head teacher, or to the clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the head teacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A review Request form is provided for your convenience.

### **Review Process**

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.



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[www.elthamcoeschool.co.uk](http://www.elthamcoeschool.co.uk)

## Meeting request form

I wish to meet ..... to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship to the school (e.g. parent of a pupil):

Pupil's name (if relevant to the matter to be discussed):

Your address:

Telephone numbers:

Daytime:

Evening:

Email address:

Signed..... Date

(Please complete this form and return to the school office)

School use:

Date form received:

Date response sent:

Received by:

Response sent by:



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[www.elthamcoeschool.co.uk](http://www.elthamcoeschool.co.uk)

## Formal complaint form

Please complete this form and return it via, the school office, to the head teacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

|   |          |
|---|----------|
| Your name:  |          |
| Relationship to the school (e.g. parent of a pupil):      |          |
| Pupil's name (if relevant to the matter to be discussed): |          |
| Your address:   |          |
| Telephone numbers:  |          |
| Daytime:  | Evening: |
| Email address:  |          |

|   |
|---|
| Please give concise details of your complaint, (including dates, names of witnesses etc.) to allow the matter to be fully investigated: |
|---|

# Complaint form continued

What action, if any have you already taken to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signed ..... Date

**School use:**

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgment sent by:

Complaint referred to:

Date:

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|



# Complaint review request form continued

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

Signed ..... Date  
.....

**School use:**

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgment sent by:

Complaint referred to:

Date:

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|