

Durham and Newcastle Diocesan Learning Trust

"Every child matters and no child is ever left behind..."

*"Let the little children come to me, and do not stop them;
for it is to such as these that the kingdom of God belongs."*

Luke 18:15-17

Complaints Handling Training

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Complaints Handling Training

- What we will cover:-
 - What is a complaint
 - What should a best practice complaint's procedure contain
 - Understanding the stages and timescales of a fair complaints process
 - Overview of each stage of a complaint's process- maintained schools and academies
 - Record keeping
 - Role of wider governing body
 - Tricky areas-serial, vexatious and complaints campaigns
 - De-escalation and practical tips
 - Questions

What is a Complaint?

- [School complaints procedures: guidance for maintained schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-complaints-procedures)
- [Setting up an academies complaints procedure - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/setting-up-an-academies-complaints-procedure)

DfE guidance- definitions

- Concern- “an expression of worry or doubt”
 - May be resolved informally
- Complaint – “an expression or statement of dissatisfaction”
 - Formal concerns raised- school complaint’s procedure.
- Can be made in person, in writing or by telephone and could be made by a third party acting on complainant’s behalf as long as they have consent to do so.

Who and How?

- Anyone can make a complaint about any provision of community facilities or service by the school- not just parents of children at the school (NB exceptions next slide)
- Generally would not investigate anonymous complaints (unless Head Teacher or Chair determine the issue raised warrants investigation)
- If a formal process is requested school should not insist on informal resolution

What is NOT within scope of Complaint's procedure?

- Outside of school complaint's procedure:-
 - Admissions
 - Statutory SEN assessments
 - School reorganisation proposals
 - Matters likely to require a Child protection investigation
 - Exclusions
 - Staff grievance
 - Whistleblowing
 - Outcome of staff conduct concerns
 - Services by another supplier using school premises
 - Complaints about national curriculum
 - Complaints about collective worship

What should a best practice Complaints procedure contain?

General Principles

- All schools must have a distinct complaints procedure, publicised and easily accessible
 - Must be on school website
- Highlight difference between a concern and a complaint
- Opportunity for complainants to set out what they think may resolve the complaint, what outcome are they looking for?
- Set out each stage and steps which will be followed, enable fair investigation by an independent person
- Clear language, easy to understand and follow
- Recognise and respect confidentiality
- Impartial, fair and non-adversarial

Stages of a Complaints Procedure

- Maintained schools (VA/VC)
 - At least 2 stages, appeal stage should involve entirely fresh consideration by governing body at a panel hearing
- Academies- At least 3 stages
 - Informal- e.g. discussion or meeting with complainant
 - Formal-complaint in writing, investigation
 - Panel hearing- heard formally by a panel

Who should deal with the complaint?

Timescales when following a Complaints Procedure

- Schools must consider and resolve complaints as quickly and efficiently as possible
- Reasonable and realistic timescales, build in some flexibility for when a timescale may need to be extended
- Set an expectation in complaints policy that complaints should be raised as soon as possible where there is dissatisfaction
- If procedure does include a cut-off for lodging complaints ensure there is flexibility for exceptions

Example of following a complaints procedure

- Stage 1- informal complaint
 - Raised in writing or in person/telephone
 - Investigation by appropriate person, may include a meeting-discuss what they think may resolve the issue
 - Informal written response within [10 school days] of receipt
 - Advised of next stage
 - If not resolved proceed to stage 2
 - Notes kept of meetings/calls and record of written response

Example of following a complaints procedure

- Stage 2- formal complaint
 - In writing to Head Teacher stating desired outcome
 - Acknowledge within [5] school days
 - Investigation by appropriate person (usually Head Teacher), opportunity to meet and discuss
 - Discuss with any staff members named
 - Formal written response within [15 school days] of receipt- if complex and longer is required offer a revised target date
 - Advise of next stage
 - If not resolved proceed to stage 3
 - Notes kept of meetings/calls and record of written response

Example of following a complaints procedure

- Stage 3- formal complaint to the board
 - In writing to Chair of governors/trust stating desired outcome
 - Must be within [10] school days of the date of decision
- Acknowledge within [5] school days
- Complaints panel hearing
 - **Maintained schools**- 3 members of governing body, or an independent panel if whole governing body is aware of the complaint (include this in policy)
 - **Academies**- three people not involved in the complaint including one who must be independent of the management and running of the school
- [5] days notice given to all to attend hearing
- Letter from chair to complainant explaining how will be conducted

Example of following a complaints procedure

- Stage 3- panel hearing continued
 - Panel can consider issues raised in original complaint and any issues highlighted during the complaints procedure
 - What about legal representation?
 - Hearing allows for:-
 - Complainant to be present and accompanied
 - Opportunity to explain complaint and Head Teacher explain reasons for decision
 - Opportunity for the complainant to question the Head Teacher and vice versa
 - Evidence can be presented including any witnesses who have been approved by the chair of the panel previously
 - Members of the panel question both the complainant and the Head Teacher, and any witnesses
 - Closing statements by each party

Example of following a complaints procedure

- Stage 3- panel hearing continued
 - Written response within [10] school days including an explanation/summary of the panel's findings and reasons for the decision and any action recommended
 - Copies of the minutes of the meeting to be provided (redacted as necessary)
 - Explanation of any further rights of appeal

Example of following a complaints procedure

- Once school complaints procedure is exhausted there are limited further options for complainants which should be set out in complaints policy:-
 - **Maintained schools-** submit a complaint to Secretary of State (include link/contact details in policy)
 - Only intervene where expedient or practical to do so and where a school has failed to act in accordance with its duties under education law
 - Acted or proposing to act unreasonably when exercising education related functions
 - Note- there will **not** be punitive action taken against schools when breach of legislation or failure to adhere to statutory policies is identified, however if serious failings are identified information may be shared with LA, Ofsted to make sure appropriate action is taken.

Example of following a complaints procedure

Further option (academies) once complaints procedure is exhausted:-

- **Academies**- submit a complaint to ESFA (include link/contact details in policy)

Will only consider where:-

- evidence that no complaints procedure
- Did not provide a copy of complaints procedure when requested
- Does not have a compliant procedure with statutory regulations
- Has not followed its published complaints procedure
- Has not allowed the complaints procedure to be completed

Note the ESFA will **not** overturn decision, re-investigate, review accuracy of minutes of documents, order compensation, direct school to discipline pupils or staff, instruct school to apologise

Record keeping- some points to bear in mind

- Complaints forms NB equality issues (alternative methods)
- Written record to be kept
 - Issues, findings, recommendations and any actions taken as a result
 - Informal, formal or panel
- Records of telephone calls/discussions
- Recording of meetings (only with consent)
- FOI and DPA

What is the role of the wider governing body/LGB or Trust board?

- Confidentiality and remaining impartial
 - Need for 'untainted' governors for appeal panel
 - Conclusion of process
- Oversight of number of complaints
- Ask questions and monitor trends
- Review of complaints procedure by governing board

Tricky areas - Serial and Persistent complaints

- Cover how the school will deal with serial or vexatious complaints in policy (model policy on DfE website)
- School should recognise when they really have done all they can
- Complaints procedure completed and complainant contacts again on the same issue
- **However must have completed process before deeming a complaint as 'serial'**

Tricky areas – Unreasonable or ‘vexatious’ complaints

For example:-

- Refusal to co-operate
- Insistence on complaint being dealt with in a way against policy or good practice
- Unreasonable outcome being requested and pursued beyond reason
- Unreasonable behavior when discussing complaint
- Obsessive, persistent, harassing or repetitious complaints
- Complaint designed to cause disruption or annoyance
- Demands for redress which lack serious purpose or value

Tricky areas - Serial and Persistent complaints

- When can you stop responding?
 - All reasonable steps taken to respond
 - Clear statement of the school's position and their options
 - Repeated contact on the same points
 - Intention of causing disruption or inconvenience
 - Abusive or aggressive communications
 - Personal insults or threats towards staff

Strategies

- single point or method of contact
- sources of support
- barring from school premises

Tricky areas- Complaints campaigns

- Large volumes of complaints
 - All on same subject
 - Possibly from complainants unconnected with the school
- Cover in procedure
 - Template or single response?

Practical tips

- De-escalation
 - Concern or complaint
 - Respond promptly and comply with deadlines
 - Be consistent with your policy and make sure staff/governors are familiar with the process
 - Explore resolution at an early stage and manage expectations
 - Say “I’m sorry” and show empathy (this does not necessarily mean admitting responsibility)
 - Avoid being defensive-early disagreement may mean loss of trust and a feeling that minds have been made up
 - Keep responses factual

Practical tips

- How to ensure a complaint is handled fairly?
 - Always offer a chance to the complainant to state their case
 - If a complainant believes there is bias they can request an independent complaints committee- evidence/appearance of bias
 - Inability to agree dates for meetings
 - Follow up with the complainant
 - Is mediation a possibility?

Time for questions and discussion?

Please also send any feedback or comments on the session into the chat

- If you have anything you would like to follow up please email:-
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Or

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Thank you