

Governor Support Service

Managing Complaints

Wednesday 24th February 2021

Brinder Bal



Etiquette



We will take it in turns to speak and when not speaking we will keep ourselves on **mute**.



It is good to see colleagues but you can turn your **camera** off if you wish.



You can use the **chat** feature to make comments or ask questions.

The Aims of the Session



- Overview of the Complaints Procedure



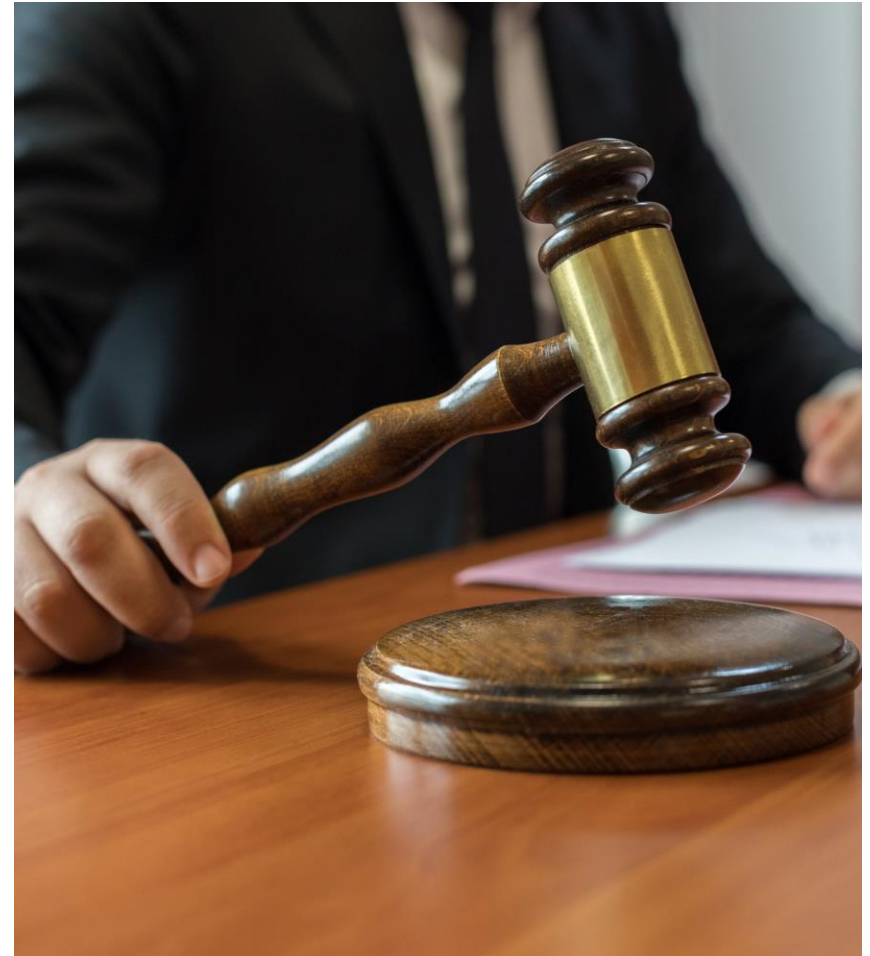
- How to manage complaints in a fair and effective way



- The do's and don't of handling complaints

1. Why do schools need to have a Complaints procedure?

- This is a **legal requirement**
 - Part 7 of the Education (Independent School Standards) (England) Regulations 2014 (for Academies) and
 - Section 29 of the Education Act 2002 (for maintained schools)
- The duty to establish procedures for dealing with complaints lies with the Governing Board.

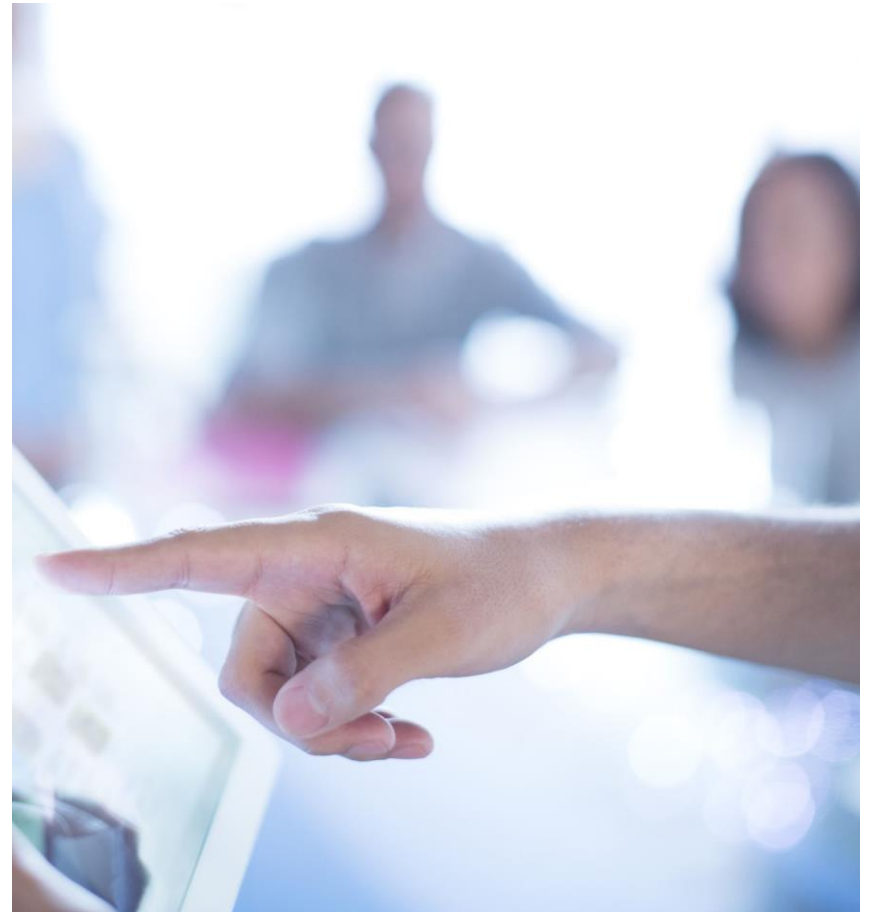


Best practice

- Schools **must** *'have regard to any guidance given from time to time by the Secretary of State'* when establishing and publishing complaints procedures relating to their school and any community facilities or services the school provides.
- It is **the responsibility of the school** to ensure third party providers have their own complaints procedures.
- If the school does not purchase the Schools HR Cooperative Model Policies, **a complaints procedure can easily be drawn up based on the DfE guidance.**
- The complaints procedure, like all school policies, **will require ratification by the Governing Board before it can be implemented** by the school. Ratification of policies should not be unduly delayed.

2. Requirement for schools to publish their Complaints Procedure

- It is a **legal requirement** for schools to publish their Complaints Procedure on the school website.
- Schools can consider additional ways of publicising the procedure.



3. Complaints Co-ordinators

- Although not a requirement, the School may choose to appoint a Complaints Co-ordinator to manage all complaints under the procedure.
- Consider the role of a Co-ordinator and the advantages of having one.
- Consider the advantages of setting up a separate and independently managed complaints mailbox with regular monitoring. These contact details can be provided in the Complaints procedure or any relevant correspondence relating to a complaint.

4. Scope of a Complaints Procedure

- In scope complaints
- Out of scope complaints – see Appendix 2
- Anonymous complaints
- Historical complaints
- Duplicate complaints
- Withdrawn complaints

5. The Difference between a Complaint and a Concern

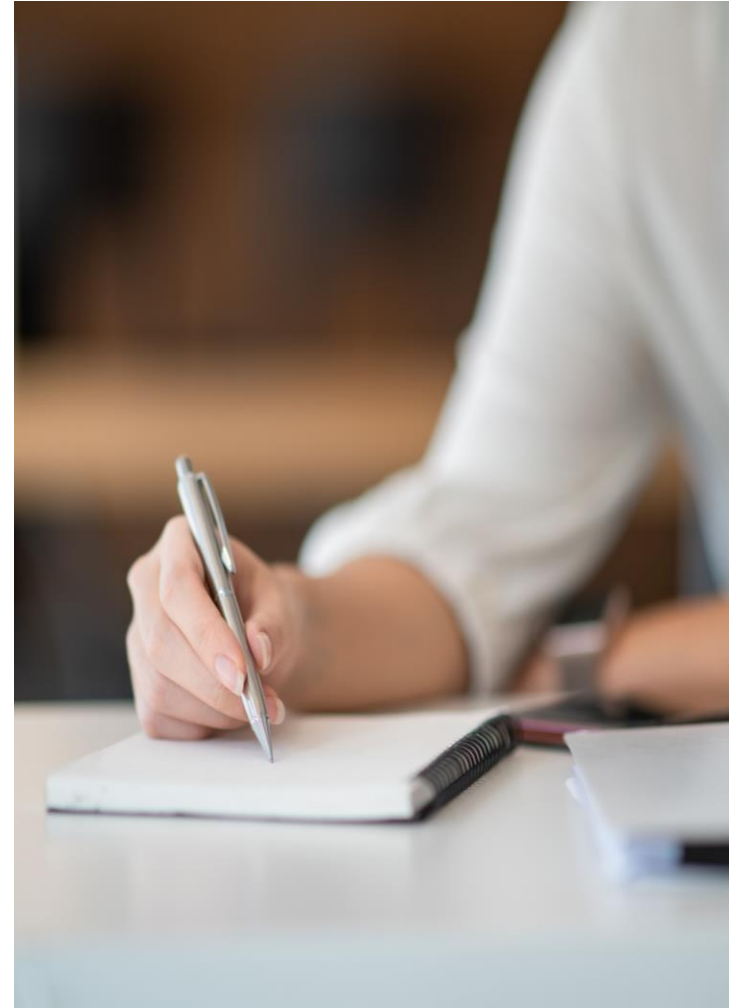
- See definitions.
- If a concern, this can be swiftly disposed of without engaging the Complaints Procedure.
- It's in everyone's interest for complaints to be resolved at the earliest opportunity. Many issues can be resolved informally.
- There will be occasions when complainants wish to raise their concerns formally. Here, the school cannot insist on the informal route being taken as a necessary step.
- The member of staff receiving the complaint should be competent enough to decide on the appropriate course of action and confirm this to the complainant.

6. Written or Oral?

- Complaints can be made both orally or in writing.
- The Model Procedure contains a Complaint Form.
- Common problems on insisting on a written complaint.

7. Acknowledging the complaint

- The complaint should be **acknowledged in writing.**
- The complaint should be acknowledged within **5 working days.**
- An indication should be given as to how long the investigation is expected to take.
- A copy of the Complaints procedure should be included with the acknowledgement.



8. Who will deal with the complaint?

- An appropriate member of staff.
- If the complaint is against the Headteacher – the Chair of Governors.
- If the complaint is against any member of the Governing Board (GB), it should be directed to the Clerk of the GB. NB: the clerk is not responsible for “dealing” with the complaint, just for managing the process.
- Independent Complaints Panel (Appeals) – made up of Governors who are independent with no prior involvement in the matter.

9. The investigation meeting

- Is a meeting required with the complainant?
- Interviewing witnesses
- Purpose of meetings and interviews
- Allowing representation and companions at the meetings
- Recording meetings

10. Decision making

- Decisions made at any stage of the process must be compliant with the principles of administrative law.
- Decision makers must also be mindful of the “Nolan Principles” (7 principles of public life).
- You should ask yourself the question: *If my decision is challenged would I be able to legitimately defend it?*
- The outcome decision must be provided in writing with advice on how and when to appeal or next steps.

11. Outcomes

- The model procedure lists the outcomes open to a school in resolving a complaint.
- The DfE guidance additionally refers to mediation although it is clear, the decision about whether this is to be offered to complainants' rests with the school.
- NB: Mediation should not be used as a substitute for an investigation during the formal stages of the complaints procedure.

12. Appeals to the Appeal Panel

- The DfE recommends that the complaint is considered afresh by the Governing Board at the appeal stage to ensure decisions are considered independently.
- The DfE recommends that the role of the Appeal Panel should be to look beyond the handling of the complaint at the earlier stages.
- The Appeal Panel should not review any new complaints at this stage or consider evidence unrelated to the complaint being reviewed.

13. Going to the DFE or ESFA

- Complainants are expected to have exhausted the school's complaints procedures before taking matters further to the DfE (schools) or the ESFA (academies)
- The exceptions to this include when:
 - children are at risk of harm



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13. Going to the DFE or ESFA – cont.

- children are missing education
- a complainant is being prevented from having their complaint progress through the published complaints procedure
- there is evidence that the school is proposing to act or is acting unlawfully or unreasonably



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14. Serial, persistent, unreasonable and vexatious complainants

- Serial/Persistent complaints can be identified by looking at the subject matter and whether the matter is repeated again in later correspondence or complaints.
- Unreasonable complaints extends to looking at the behaviour of the complainant during the process.
- Frivolous or vexatious complaints can be identified by looking at both the subject matter and the behaviour of the complainant.
- How to deal with these types of complainants will depend on each individual case
- The ultimate action taken by the school can be to stop all communication with the complainant. This action will need to be justified and the last resort.

15. Complaint Campaigns

- The DfE has additional guidance on what to do where the school becomes the focus of a campaign.
- Where this is the case and a school receives large volumes of complaints all based on the same subject and from complainants unconnected with the school, the recommendation is that you include a separate procedure in your complaints procedure to handle complaints of this nature.
- Publish on website.

16. Monitoring and Reviewing Complaints

- The school must record the progress of the complaint and the final outcome including details of whether the complaint was resolved and how it was resolved.
- Actions taken as a result of the complaint/lessons learnt must also be recorded.
- Determine who is responsible for these records and for ensuring all data is securely stored and retained by the school for the necessary length of time.
- The Governing Board should monitor the level and nature of the complaints and review outcomes on a regular basis.
- The Governing Board should determine how often to review the complaints procedure. The DfE recommendation is at least every 2 to 3 years. Responsibility for reviewing the complaints procedure can be delegated.

17. Practical tips

- Reasonable adjustments
- Companions
- Redacting/anonymising data
- Correspondence
- Recording meetings
- Managing expectations
- Deviation from the procedure

18. Useful Links

- DFE

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

- Best Practice Guidance For School Complaints Procedure
- Model Complaints Procedure
- Model Policy for managing serial and unreasonable complaints

- ICO

<https://ico.org.uk/>

- Governor Support Services

www.governor.support

Questions?





**Governor Support Service
Unit 1, Britannia Court
The Green
West Drayton
UB7 7PN**

Email: office@governor.support

Website: www.governor.support



**HGA Governor Support
based in Hereford and
supporting governors and clerks
in Herefordshire
and the West Midlands**

Email: governorsupport@herefordshiregovernors.org.uk

Website: www.herefordshiregovernors.org.uk