

School Complaints Procedure

This document is written using guidance from the Department for Education, dated 22 August 2014 and replaces the Local Authority document “Guidance for Parents and Carers” July 2014.

Who is this advice for?

This advice is for:

- Parents, carers (adults with parental responsibility) of pupils registered at a Dudley Local Authority Maintained School.
- Members of the wider community.

If your complaint is about an academy please refer to the end of this document.

Overview

The Directorate of Children’s Services aims to provide high quality services to all its customers. We welcome comments, compliments and complaints from parents and carers who have parental responsibility and from adults in the wider community.

The aim of the Directorate of Children’s Services is to:

- Provide a transparent process for dealing with complaints, both informally and formally;
- Ensure that all those who complain are treated fairly, consistently, efficiently and effectively;
- Ensure that concerns and complaints are dealt with within a given period of time;
- Provide a structured process if complaints need to be taken further;
- Use information from complaints to improve our service;
- Deal with complaints sensitively, impartially and in confidence.

Therefore, parents and carers can give feedback to the Directorate and be sure that they will be listened to and taken seriously.

Since 1 September 2003 governing bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

All schools already have a complaints procedure in place.

Please note: There are certain complaints which fall outside the remit of a Governing Body’s complaints procedure, for example, staff grievances or disciplinary procedures. Also, complaints about the Curriculum, Religious Education, or Sex Education must be made directly to the Department for Education.

General Principles of Complaints

What is a complaint? ‘A complaint is a verbal or written expression of dissatisfaction’.

What is not a complaint? Certain issues are not regarded as complaints but as initial enquiries or concerns. For example, an initial report on something not working, or a request for advice and information relating to an activity or action taken by a school are not complaints.

This guidance informs parents and carers and the wider community about raising concerns and making complaints about maintained schools in Dudley Metropolitan Borough. Every school has a document which describes how complaints will be addressed. You can obtain a copy of a school's own procedure either directly from the school's website or by contacting the school and asking for a copy.

There are some issues that the school will not be able to deal with because they are the responsibility of the Council (for example, admissions, suspension or exclusion, Additional Educational Provision, School Re-Organisation Proposals and school transport). If this applies in your case the school will ask you to contact the Directorate of Children's Services.

Most parents and carers get on well with the head teacher and staff at their child's school. Senior leaders and teachers keep parents informed about school policies and their child's work. Any questions or worries that arise from time to time are usually answered promptly and helpfully. Most of these will be resolved simply by providing information or through an informal meeting in order to discuss and resolve the matter. However, there may be times when parents consider their problems have not been dealt with properly and they wish to complain.

The following six stages describe what you should do if you need to complain.

Stage 1 – Complaint heard by a **staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will be resolved early. It is reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier. Therefore, a staff member should still consider your complaint even if there has been a delay in raising your concerns.

At Stage 1 a parent should not approach a governor. If the first approach is made to a governor, the next step would be for the governor to refer the complainant to the appropriate staff member to ensure the correct procedure is followed. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at Stage 4 of the procedure.

You should:

- Contact a staff member to discuss your concern or complaint.

The school should:

- Agree for a staff member to meet with you and discuss your concern or complaint;
- Agree with you that this meeting takes place soon after you have raised your concern or complaint ie. immediately or within the next few working days.

The procedure will stop at this stage if the concern has been explained, or a shared

understanding has been reached, so that the concern/ complaint is resolved.

- If not resolved, the staff member should offer escalation to Stage 2.

Stage 2 – Complaint heard by **head teacher or another senior leader**

If after completion of stage one you are still not satisfied with the response you should raise your complaint with the head teacher or another senior leader. It is reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier. Therefore, the head teacher or another senior leader should consider your complaint if there has been a delay.

You should:

- contact the head teacher, or another senior leader at your child's school to discuss the issue;
- make an appointment (by phone or in writing) so that time can be allowed to hear your concerns fully.

The school should:

- Acknowledge receipt of your complaint within 3 school days;
- Write to you with the outcome/s of the investigation within 10 school days or invite you to a meeting to explain the outcome/s;
- Offer escalation to Stage 3 if your complaint is still not resolved.

Most issues should be resolved through direct contact with the school. The procedure will stop at this stage if the concern has been explained, or a shared understanding has been reached, so that the concern/complaint is resolved.

Where the complaint is about the head teacher, the complainant should write to the Chair of Governors to request that their complaint is considered at Stage 3, escalating the complaint directly to Stage 3 and by-passing Stage 1 and 2.

Stage 3 - Complaint heard by **Chair of the Governing Body**

If after completion of Stage 2 you are still not satisfied with the response you should raise your complaint with the Chair of the Governing Body.

You should:

- Write to the Chair of the Governing Body, at the school address;
- Give clear details of your complaint in the letter and attach any relevant papers;
- Where possible, send your letter to the Chair of the Governing Body within 4 weeks of the outcome of your discussion with the head teacher. It is reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent has not made a complaint earlier. Therefore, the governing body should consider your complaint if there has been a delay.

The Chair of the Governing Body should:

- Acknowledge your letter within 3 school days (excluding holidays and weekends) from receipt of your letter;
- Tell you what arrangements have been made for your complaint to be considered;
- Provide the opportunity for you to discuss your letter in more detail with the Chair of the Governing Body, when you may take a family member, friend or another representative with you. If your complaint can be put right straight away progressing beyond this point should not be necessary;
- Investigate your complaint thoroughly within 20 school days from receipt of your letter;
- Write to you within 5 days of completion of the investigation to confirm that the matter has been investigated thoroughly and appropriate action taken. Also, a copy of the letter will be sent to the Directorate of Children's Services;
- Offer escalation to Stage 4 if your complaint is still not resolved.

If you are not satisfied with the response you receive from the Chair of the Governing Body you may consider moving your complaint to Stage 4 of the complaints procedure.

Where the complaint is against the Chair of Governors or any individual governor you should write to the Clerk to the Governing Body, at the school address, who will progress this to Stage 4 (by-passing Stages 1 to 3).

Stage 4 – Governors' complaints panel meeting arranged

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. Individual complaints will not be heard by the whole Governing Body at any stage. The panel can be drawn from the Governing Body and may consist of three or five people. The panel may choose their own Chair. The Chair of the Governing Body will not be part of this panel since they were involved at Stage 3.

You should:

- Write to the Clerk to the Governing Body, at the school address, giving details of the complaint and asking that it is put before the appeal panel.

The Governors' complaints panel should:

- Through a nominated governor, convene a Governing Body complaints panel;
- Issue a letter inviting you to a meeting;
- Issue a letter confirming the panel's decision, writing to you by 10 working days after the appeal panel meeting. Thus giving the panel time to meet with anyone else in relation to your complaint, if the need arises;
- Offer escalation to Stage 5 if your complaint is still not resolved.

Parents are advised to follow Stages 1 to 4. In so doing, giving sufficient time and opportunity for parents, school staff and members of the governing body to resolve concerns and/or complaints without escalation to Stage 5. Any complainant whose first approach is to the Local Authority will be directed to the appropriate proceeding stage. However, where a parent has followed Stages 1 to 4 and their complaint is not resolved they can escalate their complaint to Stage 5.

Stage 5 – Independent appeal and review by the **Local Authority** or **Diocesan Board**

Complainants must note that where a complaint has exhausted the school procedures, the Local Authority or Diocesan Board will examine if the school's complaints policy and any other relevant policies were followed in accordance with the provisions set out. However, the Local Authority or Diocesan Board will not re-investigate the substance of the complaint. This remains the responsibility of schools.

You should:

- Write a letter to the Director of Children's Services or the Diocesan Board outlining your complaint. This can be a copy of the letter you sent to the Chair of the Governing Body.

The Directorate will:

- Acknowledge receipt of your letter within 3 working days;
- Consider your complaint and pass it on to the Local Authority Complaints Officer;
- The Complaints Officer will contact you to discuss the content of your letter;
- Investigate your complaint within 20 working days of receipt of your letter;
- Present the investigation findings to the Director;
- Issue a letter confirming the Director's decision;
- Offer escalation to Stage 6 if your complaint is still not resolved.

Stage 6 - The final stage of appeal is to the **Secretary of State for Education**

You should

- Write a letter to:

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

The Department for Education will:

- Examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. The department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If your complaint is about an Academy, your first step should be to make a complaint directly to the academy following its complaints procedure. Unresolved complaints must be made directly to the Education Funding Agency (EFA) following advice below, given by the Department for Education.

Parents and carers who wish to complain about an academy educating their child/children must contact the academy and request a copy of the Complaints Procedure. This may be available online. If you have been through all the stages of the academy's complaints

procedure but your complaint remains unresolved, you can ask the Education Funding Agency (EFA) to review the handling of the complaint.

Academies should direct anyone wishing to access the EFA's procedure to:

- the Department for Education website. A "Procedure for dealing with complaints about academies" page can be found on the Department for Education website;
- write to **Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.**

If you are an adult with parental responsibility and your complaint is about a church school: unresolved complaints about a Church of England school must be made to the Local Authority who will inform the Diocesan Director of Education.

Complaints about catholic schools 'buying' into the Birmingham Diocesan Schools Commission must be directed to **Diocesan Education Service, St Annes House, 61 Coventry Road, Coleshill, Birmingham, B46 3EA.**

The new Education Act removes the ability of parents, carers and pupils to complain to the Ombudsman about matters concerning the internal management of schools. The Local Ombudsman stopped taking new complaints about these issues after 31 July 2012, and any outstanding complaints were closed by 31 January 2013.

We take complaints very seriously and aim to provide a high quality service which delivers consistent standards of educational provision for all children in Dudley schools.

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