

## Complaints about Schools – Parental Summary

### Complaints about schools

The vast majority of concerns and complaints are dealt with immediately, satisfactorily, and through informal discussions with your child's class/subject teacher or, Head of year. Schools encourage this through their own individual ethos and effective communication systems. When you have concerns about a school, it is important that you raise them as soon as possible with the relevant members of staff in order to try to resolve any issues.

#### What do we mean by 'complaint'?

Generally, a school complaint is an expression of dissatisfaction about the standards of teaching, how a particular incident was handled or about the conduct of members of staff employed at the school. A complaint can be made using any form of communication including: in person, in writing or, by telephone/fax/e-mail, and by a parent or carer or, other person with a legitimate interest in the school, this includes a range of people such as community facility users, neighbours, students and visitors.

It is important to understand that the initial information both parties may have about an incident may not be the full picture which is why it is important to share, listen and try to understand all perspectives until the matter has been fully investigated and the facts are known. Working with parents and others in resolving complaints, helps schools to identify ways to further improve the service they provide to children, young people and their families.

#### Do all schools use the same complaints procedure?

The Education Act 2002 requires Governing Bodies of all maintained nurseries and maintained schools to have in place, and publish a procedure to deal with complaints relating to the school, and to any community facilities or services that the school provides. The procedure should be approved by the Governing Body and published in the school Prospectus and other publications or, the school's website. Parents and carers should have access to the procedure. In Stockport the Governing Body of every school has adopted the same complaints process (***See Related Items***).

In the case of *Academy schools* there are certain areas by which complaints are dealt with under a different procedure:

- Undue delay or non-compliance with published complaints procedures;
- Allegations that the Academy has acted unlawfully or failed to comply with a contractual duty imposed on it under its Funding Agreement with the Secretary of State or any other legal obligation
- Dealing with complaints that independent appeal panels for admission to Academies have not complied with the School Admission Appeals Code.

In these circumstances the complaint will be dealt with by the Education Funding Agency (EFA). The Education Funding Agency (EFA) carries out certain functions in relation to Academies on behalf of the Secretary of State. One of the main functions is to ensure that Academies comply with the Funding Agreement entered into with the Secretary of State. If any complaints or concerns arise in relation to breaches of the terms of Academies' Funding Agreements then the EFA will seek to resolve these with an Academy without the need for parents and pupils to make a formal complaint. However, there will be issues

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where parents of pupils at Academies and pupils themselves have complained to the Academy and such complaints have been considered by the Academy in accordance with its complaints procedure and this has failed to resolve the matter. In these circumstances the complainant can complain to the EFA and the complaint will be considered in accordance with this procedure.

### **What the complaints procedure does not cover?**

There are certain complaints that fall outside the remit of the Governing body's complaints procedure for which there are specific statutory regulations and other local authority mechanisms, such as:

- Decisions relating to Special Educational Needs assessments and school placements
- School admissions and transfers
- Exclusions
- Employment
- Staff disciplinary matters
- Financial impropriety or other criminal activity
- Child protection concerns

### **The Complaints Procedure**

In order to protect the rights of all parties it is important that the various stages of the procedure are adhered to as far as possible. Should a complaint, therefore, be reported to a governor, chair of governors or Local Authority, the complainant will be directed to the school for the matter to be considered by the appropriate member of staff.

There are three stages to the complaints process.

#### **Stage 1 (informal)**

It is always useful in the first instance to raise your concern/complaint with an appropriate member of school staff. In nursery and primary schools the first point of contact is usually your child's class teacher, and in secondary schools you may contact your child's form tutor or head of year. Some secondary schools also have teams of pastoral staff with whom you can discuss the matter. Schools place great emphasis on this informal approach to achieving a satisfactory outcome at the earliest opportunity. Due to the teacher's first-hand information about your child many concerns can be resolved at this point.

Whilst most complaints are successfully resolved using this approach, there are occasions when the member of staff first contacted cannot resolve your concern, or the matter warrants the immediate involvement of the headteacher. At this point the school may request you make an appointment to discuss the matter with the head in order to ensure sufficient time is set aside to listen to your concerns. For procedural purposes, the results of any such meeting will signify the school's response at stage 1. Alternatively, if your complaint is made in writing and you do not wish to meet with the headteacher, you will receive a written response and this will also signify the school's response at stage 1.

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### **Stage 2 (informal)**

Should you remain dissatisfied with the outcome of stage 1, you can progress the matter to stage 2. Ideally, you should do this by writing to the Chair of Governors, and within a maximum of 15 school days of receipt of the school's response at stage 1, outlining your complaint, the reasons for your dissatisfaction and your preferred outcome. This will help to ensure the chair of governors fully understands the issues when investigating the matter.

### **Stage 3 (formal)**

Should you remain dissatisfied with the outcome of stage 2, you can request the matter progress to the formal appeal stage of the process. Ideally, you should do this by writing to the Complaints Resolution Service, and within a maximum of 15 school days of receipt of the Chair of Governor's response at stage 2, outlining your complaint, the reasons for your dissatisfaction and your preferred outcome. You should also include any documentation from stages 1 and 2. A meeting of the Governing Body Complaints Panel will be held within twenty school days following receipt of the request (not including school holidays) and a written decision will be sent to both the parent and the headteacher by the Chair of the Complaint Panel within fifteen school days of the appeal meeting.

It should be noted that, whilst this is the formal stage of the school's complaint procedure, the appeal process does not, in itself, duplicate such formal appeal or investigational procedures such as those generated under police or Court processes. The Governing Body Complaints Panel bases its judgements on the premise of the balance of probability.

This is the final school-based stage of the complaint procedure.

### **The Role of the Parent Partnership Service**

The Parent Partnership Service helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools or the Local Authority.

The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent.

The service can be contacted at:

12a School Lane  
Heaton Chapel  
Stockport SK4 5DG  
Tel: 0161 431 3024

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### What if I remain dissatisfied after I have been through each stage of the school's complaints process?

Complainants have a lawful right to approach a number of external bodies if they believe that the Governing Body is acting, or proposing to act unreasonably:

**The Secretary of State** – would follow up a complaint if they believed the school had either acted unreasonably or, failed to carry out a statutory duty. This should be a last resort, and you should highlight the steps you have already taken to resolve the problem. The address to write is:

Secretary of State for the Department of Education (DfE)  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

From 1<sup>st</sup> August 2012 under section 45 of the [Education Act 2011](#) the duty on local authorities to consider complaints about the curriculum, sex education and religious worship in maintained schools will be removed and the Local Government Ombudsman's (LGO) schools complaints service will also close. Local authorities and the LGO will continue to be responsible for considering complaints about local authority services.

If a parent is not satisfied with the school's response and wishes to pursue a complaint because they feel the school has acted unreasonably in respect of the above areas, they should write to the Secretary of State who will follow up a complaint if they believe the school has either acted unreasonably or, failed to carry out a statutory duty.

This does not affect the current arrangements for schools in dealing with, and resolving general non-curricular parental complaints.

**OfSTED** – The Education and Inspections Act 2006 gives OfSTED powers to investigate certain types of complaints from parents about schools. Whilst you should raise any issues with the school first, the types of complaints to which OfSTED can respond include:

- The school is not providing a good enough education
- The pupils are not achieving as much as they should, or their needs are not being met
- The school is not well led or managed, or is not using its resources efficiently
- The pupils' personal development and well-being are being neglected

OfSTED can require the school or local authority to provide information, or require the school to arrange a meeting of parents to seek their views. It can record parents' concerns for consideration during the school's next inspection.

Where a complaint is considered serious, OfSTED can arrange an immediate inspection of the school but are not in a position to judge how well the school investigated or responded to a complaint, or to mediate between a parent and a school to resolve a dispute.

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[Complaints to Ofsted about schools: Guidance for Parents](#) or call the helpline on 08456 40 40 45

**Local Government Ombudsman** - The [Local Government Ombudsman's](#) current role is to look at any maladministration, or potential maladministration, on the local authority's part. This includes the way in which it handles complaints and its adherence to procedures.

### Why are complaints referred to the school and Governing Body rather than the Local Authority?

Under the Local Management of Schools legislation, headteachers are directly accountable to the governing body of the school, and not to the Local Authority.

Complaints and concerns must therefore be dealt with by the governors of a school, with guidance and advice from the relevant officers within the Local Authority/Diocese where they request it. The local authority has no power to direct a school in relation to a complaint from a parent or pupil, unless there is a statutory basis for doing so.

If a written complaint is received into the Local Authority 'prematurely' this will be forwarded to the school to deal with under their own procedures by the Complaints Resolution Service.

Anyone making a complaint to the local authority about a specific school will be transferred to the Complaints Resolution Service who will clarify the correct procedures. Although the Complaints Resolution Service will inform the school about the contact received, the responsibility remains with the parent/carer to follow the correct procedure and raise the issue with the school themselves.

### Scope of the arrangements

The schools covered are all schools maintained by the local authority:

- Nursery schools
- Infant and Primary Schools
- Secondary Schools
- Pupil Referral Units
- Special Schools (which are not established in a hospital)

For further information on how to complain about any of these establishments please do not hesitate to contact the Complaints Resolution Service on:

**Tel:** 0161 474 3938 /3898

**Minicom:** 0845 644 4306

**Email:** [talktous@stockport.gov.uk](mailto:talktous@stockport.gov.uk)

**Website:** <http://www.stockport.gov.uk/services/educationlearning/schoolsmanagementorganisation/complaintsaboutschools?view=Standard>