

Model Procedures:

NGA model complaints procedure

Policies and procedures



Need advice?

For advice on any issue, GOLD members have access to GOLDline legal advice 9–5pm weekdays. Find out more T: 0121 237 3782 www.nga.org.uk/goldline



National Governance Association

The National Governance Association (NGA) is an independent charity representing and supporting governors, trustees and clerks in maintained schools and academies in England. The NGA's goal is to improve the well-being of children and young people by increasing the effectiveness of governing boards and promoting high standards. It does this by providing information, guidance, research, advice and training. It also works closely with, and lobbies, UK government and educational bodies, and is the leading campaigning national membership organisation for school governors and trustees.

The NGA online Guidance Centre is the information hub for governors. It supports you in your role as a governor, giving you access to up to date guidance and advice covering all aspects of school governance, including finance; staffing; Ofsted; curriculum; special educational needs; legislation and school improvement.

Practical governance resources include sample documents; templates; checklists; information summaries; insights; case studies and much more.

To join NGA and receive regular updates, contact:

T: 0121 237 3780 | E: membership@nga.org.uk | www.nga.org.uk



NGA Complaints Guidance & Model Procedure

Guidance for handling complaints

All schools face complaints at some stage, and they are required by law to have in place and publish (on their website) a procedure for dealing with them. What should be contained within the procedure is less prescribed, though the Department for Education (DfE) has [guidance](#) to share and encourage best practice, and to help schools avoid common pitfalls. The guidance applies to maintained schools; however its guiding principles can be applied to all schools.

While it is not the role of the governing board to write the complaints procedure, the board is responsible for approving and maintaining oversight of it. In doing so, it should ensure that the procedure is impartial, effective and easy to use. Having an effective procedure in place will increase the likelihood of achieving a satisfactory outcome for all parties while minimising the time spent on dealing with complaints.

Governing boards may decide to approve a model procedure published by the [DfE](#), their Local Authority (LA), the school's founding body or the NGA (see below). However, the model procedure should always be tailored to the needs of the individual school and its context before it is approved.

NGA's model complaints procedure is designed to be used by both academies and maintained schools, and covers the statutory requirements for each. For example, while academies are required to have an independent member on a review panel, maintained schools are not.

The NGA model complaints procedure has two stages, though where the school is part of a Multi Academy Trust (MAT) and stage 2 (the review of stage 1) has been delegated to the local governing board/academy committee, the complainant is also given the option of writing to the academy trust if they are not satisfied with the outcome.

Principles for dealing with complaints effectively

- 1. The procedure should encourage informal resolution of complaints*
- 2. Make the procedure easily available*
- 3. The procedure should have two distinct stages*
- 4. As few people as possible should be involved*
- 5. Keep records at each stage of the process*
- 6. Review the procedure regularly*



The following are key principles to bear in mind when reviewing or approving a new complaints procedure.

Principle 1: The procedure should encourage informal resolution of complaints

The procedure should explain the difference between a concern and a complaint. It should also highlight the opportunity to resolve both concerns and complaints on an informal basis in order to avoid going through the formal stages of the procedure. The DfE best practice makes the following distinction between a concern and a complaint:

- A concern is *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- A complaint is *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

Concerns and complaints are more likely to be resolved informally when all parties commit to working together towards a resolution in the spirit of co-operation and reasonable compromise. On the school side, this means staff to whom concerns or complaints are brought in the first instance being objective, as well as open to understanding the complainant's perspective and what a satisfactory outcome would look like to them.

Principle 2: Make the procedure easily available

Schools should make their procedures as accessible as possible. Parents and members of the public should not be put off from making a complaint because they are not sure how to do so. It is a statutory requirement that schools publicise their complaints procedures, and NGA's view is that the most sensible way to do this is by publishing it in a prominent place on the school website. The school should also make hard copies available in reception.

Principle 3: The formal procedure should have two distinct stages

NGA's model procedure is based on the two stage process recommended by the DfE. In the first instance, complaints should be made to the headteacher, who will provide a formal response. There should not, therefore, be a significant volume of complaints being dealt with by the governing board. However, if the complainant remains dissatisfied, a governing board panel will be required to review the complaint. Resolution should be sought at both stages.

For academies, it is a requirement of the Education (Independent School Standards) Regulations 2014 that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school. NGA interpret this as extending to other schools in the same MAT.



Principle 4: As few people as possible should be involved

As few people as possible should be involved in complaints at each stage, partly for confidentiality purposes, but also to ensure that individuals who could be called upon to review the situation do not become tainted. By this, we mean that governors called upon to review complaints should have minimal prior knowledge about the situation in order to ensure that they have not formed any biases that prevent them from being impartial.

Where a complaint has been made about a member of the governing board or the entire governing board the clerk should seek advice (e.g. from their local authority or governance professional in their MAT) about how the procedure should apply and proceed given the nature of the complaint. This may involve sourcing an independent investigator and/or panel to hear the complaint.

Principle 5: Records should be kept at each stage of the process

It is important that those responsible for reviewing the complaint at each stage keep records of what the complaint was, any evidence that was considered, and the outcome. In the case of academies, the Education (Independent School Standards) Regulations 2014 require a copy of the findings and recommendations made at the panel review stage to be provided in writing to the complainant and, where relevant, the person complained about, as well being made available for inspection on the school premises by the proprietor and the head teacher. NGA believes that this good practice for all schools.

Any personal information recorded in regard to the complaint must be kept in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (see the ICO [website](#)).

Principle 6: Review the procedure regularly

The governing board should be confident that its complaints procedure is thorough, clear and robust. As a matter of good practice the board should therefore review its procedure every two or three years to ensure it is still fit for purpose. The procedure may need to be amended before the review date if there are any changes to the law, or if it becomes apparent as a result of a complaint that the procedure is not working effectively. The amendment of the procedure should usually be carried out by a staff member, and submitted to the governing board for approval.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best practice guidance for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>



Even Swindon Primary School Complaints Procedure

Approved by the governing board **October 2020**

Review Date October 2021

Introduction

Even Swindon Primary School endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Even Swindon has approved the following procedure which explains what you should do if you wish to make a complaint about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Complaints that fall outside of this procedure

Complaints relating to the following issues are covered by a separate/specific policy.

- Pupil admissions; please see the school's admissions policy or contact Swindon Borough Council
- Pupil exclusions; please see the school's *behaviour policy and Exclusion policy*.
- Staff grievance, capability or disciplinary; these are covered by the school's *grievance/disciplinary/capability procedure*.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy

These policies are available on the school website or on request from the school.

Resolving concerns informally

For the purpose of this procedure concerns are defined as having a worry or doubt over an issue considered to be important for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). The governing board of Even Swindon encourages those that have concerns to raise them with the appropriate person at the school (e.g. your child's class teacher) and to work constructively with that person towards resolving them. The extent to



which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure.

The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful, and in cases where individuals wish to raise their concern formally.

Complaints about the headteacher or the governors

Where a complaint is about the headteacher, the complainant should notify the clerk to the governors (see contact details at the end of the document). The stage one process (see the formal stages below) will then commence, but with the chair of governors as the individual responsible for the investigation, rather than the headteacher.

Where a complaint concerns a governor the complainant should contact the clerk to the governing board. The clerk will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

The timescale for making a complaint

Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred and after informal attempts to seek resolution have proved unsuccessful. Complaints that are submitted *six months* after the issue that led to the complaint occurred will not be considered under this procedure unless there are exceptional circumstances. These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will review the circumstances, seek advice and determine whether the complaint should be considered under the formal procedure.

Maintaining records

A confidential written record of all complaints that are made in accordance with this procedure will be kept by the school. The written record will include whether the complaint has been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the school as a result of the complaint regardless of whether it has been upheld.

Maintaining confidentiality

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. The governing board of *Even Swindon* requests that complaints are not discussed publically, including via social media.

Actions taken in relation to school staff that arise as a result of the complaint will remain confidential to the school and the member of staff concerned.



Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will be kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

Safeguarding

Wherever a concern indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school website.



The formal stages of the complaints procedure

The majority of concerns can be dealt with without resorting to the formal stages of the procedure. If you need to raise a concern then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

There are **two** formal stages of the complaints procedure.

Stage 1 – formal investigation by headteacher

1. A request for a formal investigation of a complaint by the headteacher (or chair of the governing board as appropriate) should be made in writing C/O the school, or by completing the formal complaints form that is included as Appendix 1 of this procedure.
2. The headteacher (or chair of the governing board as appropriate) will acknowledge the request in writing no later than 10 working days (excluding those that fall in the school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The headteacher will consider all relevant evidence. This **may** include, but is not limited to:
 - obtaining statements from the complainant and those involved with the complaint
 - meeting with the complainant and those involved in the complaint
 - reviewing correspondence and other document relating to the complaint
5. After considering the available evidence, the headteacher can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
 - dismiss the complaint entirely
6. The headteacher will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1, including the contact details of the clerk to the governing board (see page).



Stage 2 – Review by a panel of the <local> governing board

The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken. The review is carried out by a panel of the <local> governing board at a meeting convened by the clerk to the governing board.

Requests for a review of the decision taken at stage 1 should be made in writing to the clerk (see contact details below) no later than 4 weeks after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

The clerk will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting. Minutes of the review meeting will be taken by the clerk and provided with the written notification of the decision taken at stage 2 (see 9 below).

The following steps are taken at stage 2:

1. The clerk will acknowledge the written request for the complaint to be reviewed no later than ten working days (not including the school holidays) after receiving it.
2. The clerk will convene a panel of *three school governors* to review the complaint. All three panel members will have no prior knowledge of the content of the complaint.
3. The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the clerk (see 1 above).
4. The panel **may** decide to invite the following to attend the review meeting:
 - the complainant
 - the headteacher (or chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1
 - relevant persons involved in the complaint
 - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2
5. Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting.
6. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
7. Where the complaint is about a governor/governing board the complainant may request that the review meeting is held by an independent panel. This is at the discretion of *the governing board* who



will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.

8. After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:
 - uphold the complaint and direct that certain action be taken to resolve it;
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
 - dismiss the complaint entirely.

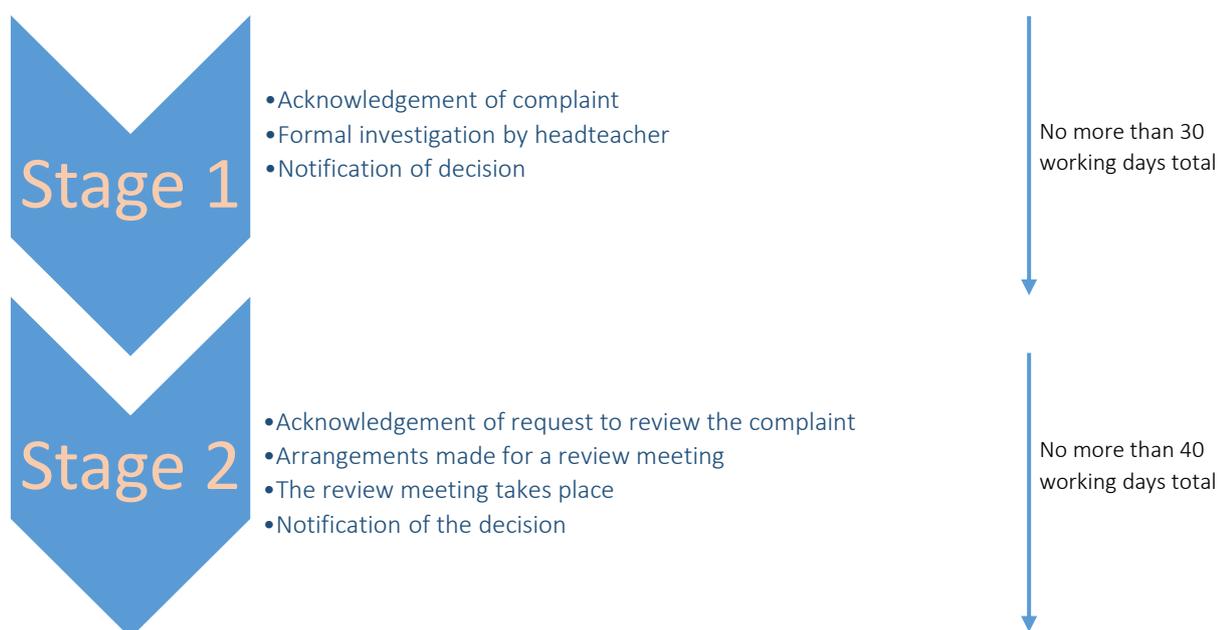
Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

9. The complainant, the headteacher (or chair of the governing board as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

This is the **final stage** at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further they should refer to the following:

- *If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the local authority – Swindon Borough Council.*
- If the complainant feels that the governing board acted ‘unreasonably’ in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that ‘unreasonable’ is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances.
<https://www.gov.uk/complain-about-school>

Timescale for completing the formal stages of the procedure



Even Swindon will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason Even Swindon is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Serial, persistent and unreasonable complaints

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through a formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that Even Swindon will provide no further response.

For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the headteacher/chair of the governing board/clerk to the governing board (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that Even Swindon will provide no further response.

Queries regarding any aspect of the complaints procedure should be directed to the clerk to the governing board at the following address <insert contact details here>.



Appendix

Even Swindon Primary School Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:					
Dated:					
<i>Official use</i> Date received:					