

Parents' and Young People's Complaints about Schools

A Summary for Practitioners

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This research report was commissioned before the new UK Government took office on 11 May 2010. As a result the content may not reflect current Government policy and may make reference to the Department for Children, Schools and Families (DCSF) which has now been replaced by the Department for Education (DFE).

The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Education.

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User Guide

This document is intended to provide accessible information about 'good practice' in handling school complaints, for those who are directly involved. The potential target audiences include:

- Head teachers and Senior Managers
- Teachers and Support Staff
- School Governors
- Independent providers of advice and support to parents

The document draws upon a larger research study by Ecorys. The authors have focussed on key learning points, which are potentially useful for schools and partner organisations when considering their approach for handling school complaints.

The information is not intended as a substitute for the Department of Education's (DfE) own guidance for schools about handling complaints. Details of how to access this guidance, along with factsheets about complaints produced by other organisations can be found at the end of this summary.

Overview of Current Arrangements in England

School complaints in England can be progressed via a number of potential routes, according to their nature and seriousness. For complaints involving the individual child rather than a wider 'whole school' issue, the arrangements are covered by section 29 of the Education Act 2002, which requires that all governing bodies of maintained schools set in place a procedure to deal with complaints, and make arrangements to publicise it. In the main, schools and parents work well together in resolving issues. Following guidance issued by the Department, this typically involves three stages:

1. Informal resolution between parent and school staff
2. Formal head teacher involvement
3. A formal hearing by the governing body

Local authorities are required to adhere to section 409 of the *Education Act 1996*¹. This requires that they make arrangements to consider any complaint about the curriculum, religious education or collective worship, where the school or its governing body has acted or is proposing to act unreasonably in relation to a statutory duty. Beyond this, however, local authorities have no legal obligation to investigate the substance of a complaint regarding an individual child, and no powers of direction. Some local authorities try to resolve issues locally and offer advice and mediation, but others do not.

¹ This duty will be repealed by Section 45 of the Education Act 2011 when it is commenced.

If the parent, or pupil, remains unsatisfied they can contact the Secretary of State for Education and ask them to consider the issue. The Secretary of State has powers, under sections 496 and 497 of the Education Act 1996, to decide if a school or governing body is acting unreasonably, and if so to issue a direction to the school. However, in practice, the Secretary of State's powers to intervene are limited to very specific instances.

The Independent Complaints Service

Finally for complaints involving the individual child; schools should be aware that an independent complaints service currently operates in 14 English local authorities². The service was launched under the previous Government, with the aim of improving the transparency and redress for school complaints. It received royal assent in the Apprenticeships, Skills, Children and Learning Act 2009, which extended the powers of the Local Government Ombudsman (LGO) to investigate school complaints affecting the individual child and to require schools to comply with the decision.

The coalition Government announced in the schools White Paper, *The Importance of Teaching* (DfE, 2010), their intention to repeal the LGO service and to restore the Secretary of State's power to consider school complaints. The repeal is a reflection of a wider policy shift that will see greater freedoms for schools, and a reduced level of national intervention in school affairs. It also comes alongside reforms to SEN, and to the handling of complaints about teachers. The LGO service will therefore be repealed by Section 45 of The Education Act 2011, when it is commenced. The service will continue to operate in the current 14 local authority areas until the Department for Education has introduced new procedures for handling complaints.

Avenues for Other Types of School Complaints

Alongside these arrangements, a number of alternative routes exist in respect of whole school issues:

- local authorities have a statutory responsibility to set up procedures for dealing with certain types of complaints, including about the curriculum or collective worship in a school.
- Ofsted has powers under section 160 of the Education and Inspections Act 2006 to investigate complaints which affect the whole school, including concerns about the quality of education provision; low levels of pupil achievement, or that the school is not well led and managed, or is not using its resources efficiently.
- There are also a number of specialist tribunals which provide a route of redress for parents in respect of admissions and permanent exclusions, and for Special Educational Needs (SEN) or disabilities where statutory entitlements are disputed.
- Complaints about Academies that cannot be resolved internally by following the school's procedure should be sent to the Young People's Learning Agency (YPLA).

² The 14 Local Authority areas are: Barking and Dagenham, Bristol, Cambridgeshire, Dorset, Hammersmith and Fulham, Hillingdon, Kensington and Chelsea, Kent, Lincolnshire, Medway, Portsmouth, Sefton, Sheffield and Wolverhampton

It is widely acknowledged that these arrangements are complex and not always transparent to parents or pupils wishing to complain. The Department is currently examining further ways to improve the accessibility of the system, in the wake of the decision to repeal the national complaints service.

Research Findings

In October 2010, Ecorys was commissioned by the Department to conduct research into parents' and young people's complaints about schools that involve an individual child. The study incorporated an evaluation of the LGO school complaints service which operates within 14 local authority (LA) areas.

The aim was to examine the 'bigger picture' of complaints handling where issues affect an individual child, to examine the number and different types of complaints, and to take a wider view of what works well / less well in complaints handling. The research was undertaken between November 2010 and May 2011, and included a mix of desk research, qualitative interviews and a survey of schools.

The headline findings from the study were as follows:

1. Parental concerns and complaints are a reality of the day-to-day life and work of schools, and cannot be entirely separated from other whole school issues.
2. Schools routinely handle informal complaints with much success, drawing upon effective parent-school relationships and an 'open door' approach to complaining.
3. Despite the examples of good practice, however, a culture shift is needed in how some schools view parental complaints. It would be beneficial for more schools to record complaints systematically and to use the data for continuous improvement.
4. A small minority of schools appear to be neglecting their statutory duties under section 29 of the Education Act 2002 for setting in place and publicising a complaints procedure.
5. There is a need for greater clarity in the available options for parents beyond the school route, given the repeal of the LGO school complaints service. This will require closer scrutiny of the role of the Secretary of State in handling complaints.
6. Particular challenges are faced in aligning procedures between maintained and the private and independent sectors, to secure a fair and transparent system for parents.
7. There is a priority to scope how independent support, advice and mediation is best provided in a climate of public sector cuts, and to further examine the future role of local authorities in supporting complaints under the 'new relationship' with schools.

A full account of the research study and the recommendations can be found in the main report. The remainder of this document sets out the key learning points from the research study.

1. Effective whole school approaches

- The research study found that variations between individual schools' effectiveness at handling complaints is likely to relate to a combination of factors, including:
 - ▶ the robustness of their complaints policies and procedures
 - ▶ the ethos / outlook of the school towards parental complaints
 - ▶ the level of access to training for staff; and,
 - ▶ relationships with the local authority and other external partners
- A 'whole school' approach towards dealing with concerns and complaints can help avoid a formal route becoming necessary. Having a variety of channels for informal communication with parents helps significantly in this respect. The head teacher might offer regular slots to meet with parents, or where this is not possible they might keep in contact through regular written communication.

2. Producing and updating a complaints procedure

- A school complaints procedure should be written in clear and accessible language, and include relevant factual information about the stages in the process; who to contact within the school, and where to go for further information if it is needed. A step-by-step approach can be the most useful, so that parents see the different levels of complaining and who should be involved at each stage.
- The Department for Education has produced guidance on school complaints, which explains the current arrangements for maintained schools in England under section 29 of the Education Act 2002. The guidance is a useful starting point for developing a complaints procedure, and explains the three stages of informal resolution, head teacher investigation, and governing body hearing.
- Some local authorities have also developed 'model' procedures for schools, and might be able to offer advice on examples of good practice. RISE (Research and Information on State Education) has produced a version that includes a one-page information sheet for parents, whilst the guide produced by the Advisory Centre for Education (ACE) also includes a practical checklist for parents to follow when preparing for and attending meetings with the school, and a model letter illustrating how to put a complaint in writing. When adapting model procedures or guidelines, however, it should be noted that the result is likely to be more effective if it is tailored to the context of the individual school and its wider policies.
- The difference between concerns and complaints is not always clear-cut, and it is advisable to avoid being too prescriptive in any guidance that is issued to parents. The 1998 Cabinet Office publication: *How to Deal with Complaints* suggests a broad definition as follows: "Any expression of dissatisfaction that needs a response, however communicated". Establishing what action the parent wishes to see taken is a good starting point to distinguish an enquiry from a complaint.
- Parents sometimes have an expectation for local authorities to intervene in school complaints where they cannot be resolved internally, so it is advisable to clearly explain their remit under the section 409 of the Education Act 1996. This requires only that local authorities make arrangements to consider any complaint where the school or its governing body has acted or is proposing to act unreasonably in relation to a statutory duty.

- Schools might also consider listing possible sources of independent advice that are available for parents, including the local Parent Partnership Service, Citizens Advice Bureau, and specialist organisations dealing with issues giving rise to complaints such as the Anti-Bullying Alliance and National Autistic Society. A number of organisations also staff independent help-lines providing educational or legal advice, whilst local support groups might also be available. Further details of some of the sources of advice and support are provided at the back of this summary.

Principles and conduct

- Beyond procedural information about complaints, schools might also consider developing a 'Code of Practice'. This could be a short statement that sets out the following:
 - ▶ the school's key principles for handling complaints;
 - ▶ what the parent can expect from the school during the complaints process; and,
 - ▶ what is considered reasonable behaviour in return from parents

A written Code can help vindicate the school in the case of 'vexatious' complaints, where it can be demonstrated that staff have adhered to the principles.

Timescales

- Parents often value information about likely timescales for handling complaints, but any such commitments by the school must be realistic and achievable. As a guide, schools responding to the Ecorys survey generally reported being able to address the considerable majority of complaints within one month. Complaints escalating to the stage of a governing body hearing were less common, but usually took longer to address (up to six months, or even a year or more). School holiday periods were also identified as a factor in some complaints
- The model complaints procedure developed by RISE suggests that 20 working days is a realistic guideline for resolving a school complaint up to and including the stage of head teacher investigation. This timescale comprises of the following elements:
 - ▶ a maximum 10 working days to resolve a complaint prior to head teacher investigation; and,
 - ▶ a further 10 working days for the investigation by the head teacher, with parents provided with a revised target if this is not achievable

Quite often, it will take several 'live' complaints to test the robustness of a procedure and to achieve a set of targets that are realistic based on the stages that the school has set in place.

Awareness-raising and accessibility

- All governing bodies of maintained schools have a statutory duty to publicise their complaints procedure. It is poor practice to make a procedure available only 'upon request' from parents. Although it is up to individual schools to decide how they raise awareness of the procedure, it is advisable to use a combination of different channels. They might include the following:
 - ▶ making the procedure available on the school website
 - ▶ providing summary information in the parent prospectus
 - ▶ providing summary information via home-school agreements

- ▶ giving any updates to the procedure via school newsletters; and,
- ▶ awareness-raising through more routine contact with parents

The annual parents handbook provides a useful forum for the school to raise parents' awareness of the complaints procedure, and to set out the school's general principles.

As with any other school policies or procedures, the information should be made available in Braille or large print formats. The school might consider producing leaflets in different languages, to ensure that the information is accessible to parents with English as an Additional language (EAL). Pupils can also complain under the existing arrangements, and schools should consider how and when is appropriate to raise awareness with pupils, and in what formats the information should be provided.

- Reviewing the complaints procedure can avoid information falling out of date, and demonstrates to parents that the school is taking its responsibilities seriously. Parental involvement in updating the policy might include seeking feedback about concerns or complaints in the school's annual parent questionnaire, and making updates as a result of the feedback. This approach also has the advantage of maintaining the visibility of the complaints procedure for whenever it is needed.

3. Staff responsibilities and training

- Having staff with designated responsibilities for handling complaints is often valued by parents, because it can help ensure a quick response from an individual who is familiar with the schools' policies. A designated complaints co-ordinator might be named within the school's written complaints procedure, with contact details provided. The lead contact should be of appropriate seniority to make decisions about serious complaints, should they arise.
- Staff responsibilities should be proportionate to the type or seriousness of the complaint. Open communication with teachers is an important starting point, as it means that parents can be routed quickly to the person best placed to deal with the issue if it cannot be resolved at the first point of contact. However, SENCOs might be better placed to respond to SEN related complaints, whilst form tutors are often well placed to respond about a sensitive issue such as teacher conduct, where the parent is uncomfortable about raising directly with the member of staff concerned.
- Dealing with complaints requires a combination of knowledge about the relevant procedures and legislation, alongside skills for dealing with emotive issues sensitively and effectively. The manner in which the complaint is handled can have a significant impact on relationships between the school and parents, and an approach that is either adversarial or dismissive can cause the complaint to escalate unnecessarily. Training might include a combination of the following:
 - ▶ Head teachers often take a lead role for providing CPD for staff in relation to complaints;
 - ▶ Shadowing or mentoring might be given to staff members with a role for complaints; and,
 - ▶ Local authorities also play a role in delivering training around complaints for schools, including through Governor Support Services.

Again, having a Code of Practice is useful to reinforce staff training with a core set of principles.

4. Monitoring and review of complaints

- The value of recording information about complaints should not be under-estimated. A simple 'complaints form' and log-book might serve this purpose, if it is well maintained. Accurate data can give an insight to those aspects of school policy or teaching practice most commonly giving rise to concerns or complaints, and enable remedial action to be taken. They can also be useful to demonstrate to parents how the school has handled similar complaints in the past, as a benchmark. A review of complaints handling by Ofsted found that some schools logged all concerns or complaints systematically, and used the data as a tool for school improvement.
- Recording numbers of complaints is useful, but the school might also wish to keep more detailed information about individual cases; especially for serious complaints where there is a risk of litigation. Records of meetings, telephone and email correspondence might form part of the record, which should be stored securely under the terms of the Data Protection Act. The research study found a number of examples where failure to record information reflected very poorly on the school at formal investigation stage – even where the school reported having taken appropriate action.

5. Overcoming barriers to complaining

- Schools often find that parents are more willing to raise issues at an earlier stage if there is an 'open doors' policy towards complaining. A number of the schools in the Ecorys research study went so far as to say that the reporting of concerns was actively 'encouraged' as a channel to air potential grievances and ensure they are quickly addressed. Research about complaints in a number of different sectors; from education to policing has shown that early intervention can save time and money for complaints that might otherwise escalate to a formal level.
- Schools should be aware that some parents might feel less able to complain for a number of possible reasons, including low levels of personal confidence; having English as an Additional Language (EAL), basic skills or cultural barriers, or a fear of possible negative consequences for their child or a younger sibling at the school. Insisting that parents complain in writing can put less confident or literate parents at a disadvantage. Research also suggests that these issues can be compounded in situations where the child is receiving specialist provision (e.g. for SEN or disabilities), because the parent can be reluctant to damage relationships. Providing reassurances and making available a variety of ways to complain can help overcome these barriers.

6. Responding to complaints

- The initial response from the school should be measured and proportionate, and it is advisable to acknowledge the complaint at the earliest opportunity. It can sometimes be possible to resolve minor complaints informally at the first point of contact with the parent. In contrast, a potentially serious complaint should be treated as such, and the earlier stages in the complaints procedure by-passed to progress the matter quickly (such as where bullying issues are involved). All safeguarding issues should be reported to the local authority (LADO) in the first instance.
- Head teacher involvement in more serious complaints provides reassurance that the matter is being taken seriously, and can help to reduce the risk of misinformation to parents. If the complaint is about

the head teacher, however, then parents should be signposted directly to the chair of governors with their complaint to ensure that it receives impartial treatment.

- Confidentiality is a priority for school complaints. Research has shown that parents are sometimes reluctant to complain due to concerns that a sensitive issue (bullying or safeguarding, for example) will become widely known. For smaller primary schools in particular, parents are often acutely aware of news travelling quickly, and reassurances might be needed that the complaint can be made in confidence.
- On-going communication during the complaint is important to maintain a constructive relationship between the parent and school. Pro-active updates by the school can also avoid a situation in which parents feel they are having to 'chase-up' information. Parent Support Advisers (PSAs) have sometimes been actively engaged in this situation, due to their intermediary role between schools and parents, although previous research has also shown that PSAs are not always considered fully independent from the school, and they might require additional training around complaints.

7. Independent support, advice and mediation

- Mediation services are widely available for resolving disputes about SEN and disabilities where there is a statutory dimension, but are less often used for other types of school complaints. Mediation services can often be sourced from local authorities – either on a direct delivery basis, or outsourced to an independent organisation. Research shows that these services are often greatly valued by parents. For example, consultations by Opinion Leader (2009) found that parents valued having an impartial perspective, and found meetings with the school 'less intimidating'.
- A distinction can be made between the following types of mediation services:
 - ▶ **Early stage mediation** - this might involve telephone contact, with the mediator acting as a 'go-between'. The lighter touch approach can be helpful to get a complaint back-on-track; and
 - ▶ **Formal mediation** – this is more intensive and generally requires face-to-face meetings, with the mediator brokering discussion and agreement. The objective is to achieve a resolution.
- The decision about whether to use mediation should be proportionate to the nature of the complaint. The additional time and costs of mediation sessions are unlikely to be warranted for more straightforward complaints, but might be considered where communication between the parent and school has broken down, or where the complaint is of a more complex nature.
- Research has shown that parents often seek advice independently of the school if the complaint is taking longer to progress than hoped, or if communication has stalled. Parents might seek advice from independent helplines; Voluntary and Community Organisations (VCOs) with a specialism in particular issues (e.g. bullying or SEN), or from their local Citizens Advice Bureau amongst others. Some organisations might provide continuing support or coaching for parents during the complaint. The school will need to decide how best to acknowledge and engage with these organisations, and to respond to independent advice or guidance that has been given to the parent.

8. Resolution and outcomes

- Simply demonstrating that a procedure is being followed is rarely enough to ensure a satisfactory resolution to a complaint. It is necessary to establish from the outset what the parent wishes to achieve by complaining, to manage expectations and improve the chances of closure. Parents might seek a variety of different outcomes from complaining, including the following:
 - ▶ an apology;
 - ▶ recognition of wrongdoing by the school;
 - ▶ the reversal of a decision;
 - ▶ changes to school policy; or
 - ▶ financial compensation.

These discussions can help to establish how realistic or appropriate the parent's objectives might be. In some examples considered for the Ecorys study, parents and schools admitted having lost sight of the original issue, as wider circumstances surrounding the complaint took over.

- Previous research has shown that complaints can become protracted where the decision is ambiguous and does not address the original issue giving rise to complaint, or where a breakdown in communication means that the parent is not informed of the decision. Complainants should therefore be notified of the outcome as soon as possible after a decision has been reached, with a clear account of how the decision has been reached and any further rights to appeal.
- Often a suitable approach is for the school to provide a formal written explanation, followed by an opportunity for a more informal discussion. Visibility in the outcome of previous complaints can give parents more confidence in the system, even if the decision went in favour of the school.

9. Governing body hearings

- It is important to ensure that all other options for informal resolution are exhausted before a governing body hearing, as complaints are more likely to result in acrimony when they reach this stage. Parents require acknowledgement that the complaint has escalated to a stage when a hearing is available to them. Governors also need to be sufficiently familiar with the system to know when a hearing is appropriate. Advice should also be sought from the local authority Governor Support Service upon reaching this stage, to identify any possible legal dimensions. Some local authorities provide a clerking service to assist with the hearing process.
- Other measures that can assist with making a governing body hearing as fair and inclusive as possible include the following:
 - ▶ Checking to ensure there is no conflict of interest for panel members, and that the panel selection takes into account equality and diversity issues that might affect the hearing;
 - ▶ Providing sufficient advance notice for the parent to organise attendance around other commitments, and to prepare for the hearing. The RISE model procedure suggests that 20 days notice is good practice, with notification provided in writing by the clerk to the governors;
 - ▶ Providing full disclosure of who will be represented on the panel;
 - ▶ Notifying the parent of the opportunity to submit any further supporting documentation in advance of the complaint, should they wish to do so at this stage; and

- ▶ Informing the parent that they are permitted to bring an advocate or independent representative to the hearing, whether this is another parent, a family member, or a professional.
- The Department's guidance suggests that a hearing panel should include between three and five people. The chair should always invite the head teacher to the hearing and allow them the opportunity to submit a paper in advance. The head teacher might also nominate other members of staff who have been involved with the complaint to attend, but the chair should exercise their discretion in deciding whether this is appropriate in the interests of a fair and independent hearing.
- Research has shown that governing body hearings can be the most stressful part of the complaints process for parents, who sometimes feel outnumbered and intimidated. The chair should ensure that the hearing is conducted as informally as possible, and think in advance of the possible impact on parents of large numbers of representatives attending for the school. Independent mediation is ideal in this scenario, although it is not always cost effective. As an alternative, the parent might be accompanied by a friend or peer representative, or a Parent Support Adviser. For SEN or disability related complaints, Parent Partnership Officers can sometimes offer support with preparation, attend the hearing, and provide advice on next steps.
- The hearing should provide an opportunity for the complainant and head teacher to give their evidence, with opportunities for questioning by the panel members. The hearing might include statements by witnesses where this is agreed in advance at the chair's discretion. The panel should then reach an independent majority decision about whether the complaint should be rejected or upheld, and decide upon any appropriate action to be taken. Wherever possible, hearings should be minuted by the clerk to the governors, and the record kept on file with other correspondence relating to the complaint.
- The parent and head teacher should be provided with written notification of the decision at the earliest opportunity, along with information about next steps and possible remedies (if appropriate). In the event of an unsuccessful outcome, parents should be advised of routes of appeal. At this stage, the only viable option for most parents if the school will not reconsider the complaint is to write to the Secretary of State for Education. In the 14 local authorities that are covered by a new school complaints service, it is also currently possible to contact the Local Government Ombudsman to ask for the complaint to be heard. This service will come to an end when Section 45 of the Education Act 2011 is commenced.

Further Information

1. The full Ecorys Research Report and Summary (2011) can be found on the Department for Education research website.
2. A School Complaints Procedure was published under the previous Government (2007): <http://media.education.gov.uk/assets/files/doc/s/school%20complaints%20procedure%202007.doc>
3. The Research and Information on State Education (RISE) Trust has also produced *A Model Complaints Procedure for Schools* (2007): <http://www.risetrust.org.uk/model.pdf>
4. Complaints about Academies that cannot be resolved at a school level should be referred to the

Young People's Learning Agency (YPLA): academiesenquiries@ypla.gov.uk

5. The Advisory Centre for Education (ACE) has developed a leaflet: Making a complaint: A practical guide to parent's legal rights: <http://www.ace-ed.org.uk/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=36c45e3ada5045d190abcc9800aac45f&mode=link&guid=6fe5733922ed4e2289109b8267b2c14f>
6. The Children's Commissioner for England undertook a detailed review of school complaints, with a focus on bullying in schools in England - *Bullying in schools: a review of the current complaints system and recommendations for change* (2007):
http://www.childrenscommissioner.gov.uk/content/publications/content_212
7. Contact a Family has produced an information booklet for parents and carers; *Special Educational Needs – England*, which includes information about complaints and appeals:
<http://www.cafamily.org.uk/pdfs/educatio.pdf>
8. For complaints to Ofsted: www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain
9. The Local Government Ombudsman (LGO) Advice Team can be contacted on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Mondays to Fridays). Complaints can also be completed online:
www.lgo.org.uk/making-a-complaint

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