Understanding Governor Responsibilities to Handling Complaints

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Legislation and the complaints procedure

Governors must ensure the schools has a written complaints policy in line with Section 29(1) of the Education Act 2002.

Additional functions of governing body

) The governing body of a maintained school shall—

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) publicise the procedures so established.

https://www.legislation.gov.uk/id/ukpga/2002/32

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The complaints procedure

The policy (procedures) must be published and accessible to the school community and beyond.

The policy should make it clear what it covers, complaints about the school, its facilities and its services.

A staged process (normally 3 stage) should be adopted to the complaints procedure and published clearly in the policy.

- **Informal resolution**
- **Headteacher investigation**
- (Governor review – normally the COG or VCOG)
- **Governing panel – appropriate skills**
- Signposting to the next steps

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The complaints procedure continued..

Where a complaint concerns the Headteacher the COG normally investigates this.

If the complaint is about a Governor the COG again normally investigates.

If the complaint is about the COG a Governors panel or an independent investigator or panel.

For Academy Trusts the first two stages normally still apply. The stages following these are usually investigated by the Trust Board, Local Governing Board or an Independent investigator.

Staff complaints against the Leadership or Governors are dealt with under the Grievance policy and procedures.

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Pause and reflect - Your thoughts



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The complaints procedure continued… 2

Governors must not get involved with complaints that are outside of the scope of the policy. Areas that are not normally covered should be clear in the policy, these normally are:

- Admissions
- School reorganisation (amalgamation etc)
- SEND statutory assessment – EHCP's
- Issues likely to require a child protection investigation
- Exclusions
- Whistleblowing
- Staff grievance
- Staff conduct
- The curriculum
- Collective Worship
- Withdrawal from the curriculum

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The complaints procedure continued…3

Investigations and appeals panels should be unbiased, include members with suitable skills (which may mean independent Governors or external representatives).

Investigations must follow the principles of 'natural justice':

- Right to a fair hearing – transparency for all
- Decision makers must be impartial with no personal interest in the outcome
- Disclosure of evidence – transparency for all
- Right to be accompanied or represented
- Timely notice and time to prepare
- All decisions based on evidence and reasoned findings
- Right to appeal / review post outcome
- Confidentiality and the right to privacy
- Proportionality and consistency – outcome should fit the seriousness of the allegation and be applied consistently
- Record keeping – accurate and THOROUGH records must be kept

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The complaints procedure continued...3a

Holders of public office should always behave in line with the 7 guiding principles of public life – 'The Nolan Principles'

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

The role of the Clerk in any complaints process is crucial and has to be carried out with integrity and professionalism.

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The complaints procedure continued ...4

Timescales for each stage should be reasonable, published, and adhered to; any necessary extensions must be communicated with explanations.

A typical timescale is:

- Acknowledge formal complaints within 5 days of receipt
- Provide a written report of the formal investigation within 20 school days of receipt. Complaints received during the holidays should be considered to having been received on the first day back.
- Allow a 10 day period for the complainant to escalate their complaint to the Governor panel stage.
- If the Governors panel is required the clerk to Governors acknowledges this to the complainant within 5 school days. They should aim to convene the Governors panel within 20 school days.
- The panel decision must be sent to the complainant and all involved parties within 10 school days.

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The complaints procedure continued...5

Ensure you keep to the timeframe – keep all informed with reasons why you cannot do this.

All THOROUGH notes and evidence should be kept in line with data protection and school retention policies.

Confidentiality must be maintained – sharing information on a 'needs to know' basis only. Be mindful of data sharing policy regulations and safeguarding legislation.

Malicious or vexatious complaints should be managed through a separate policy or under a section in the main complaints policy that 'manages' how the school will communicate and respond to the person deemed to be acting in a malicious or vexatious manner. No time wasters!

All decisions and outcomes MUST be put in writing to the complainants.

Clear and accurate evidence trails are the best form of supporting information.

Accurate and THOROUGH record keeping on the part of the school is vital.

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Review and Reflection needed

Governors should try to monitor complaint activity and try to pro-actively identify systemic issues and drive improvements

Regular training for leaders and Governors is crucial to stay informed and current.

Complaints policy should be reviewed annually and after any significant complaint to act on ‘lessons learned’ and adapt the policy as required to make it more effective.

Safeguarding and statutory reporting responsibilities take precedent over the complaints procedures. Safeguarding is ALWAYS first in line.

Links to external bodies, DFE, LA, Ombudsman should always be referenced in the policy as the next stage of the complaints journey if the issue is still not resolved satisfactorily for the complainant.

Responses by the school should always have the child at the centre and be reasonable in nature. Some complaints are not justified and driven by personal motives.

Watch out for AI – the use for complaints is growing rapidly.

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Useful legislation and resources

1. UK Government - Best practice advice for school complaints procedures (2020) (https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019)
2. Ask a Clerk - Complaints Policy and Procedures (https://askaclerk.co.uk/complaints-policy-and-procedures/)
3. Child Law Advice - Complaints to Maintained Schools (https://childlawadvice.org.uk/information-pages/complaints-to-maintained-schools/)
4. Juniper Education - How to Deal With Parental Complaints (https://junipereducation.org/blog/how-to-deal-with-parental-complaints/)
5. One Education - The Rise of Parental Complaints (https://www.oneeducation.co.uk/the-rise-of-parental-complaints/)
6. Hackney Services for Schools - School Complaints (https://www.hackneyservicesforschools.co.uk/extranet/school-complaints)
7. Law Stuff - Complaints to Schools (https://lawstuff.org.uk/education/complaints-to-schools/)
8. Department for Education - Schools and Early Years (https://www.gov.uk/government/organisations/department-for-education) Feel free to copy and paste these links as needed for your reference material!

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Any Further Questions?



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