

Is your school complaints process fit for purpose?

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As part of the advisory service we offer schools, recent enquiries have arisen from academies being contacted by the Department for Education (DfE) about their complaints policies. Academies and schools have been in the process of reviewing the same and have looked to the DfE best-practice guidance contained in the *School Complaints Procedures 2019*, and their model complaints procedure. It should be noted that the guidance and model procedure and policy issued by the DfE are applicable to maintained schools and not to academies.

Academies should ensure that their complaints policy/procedure complies with Part 7 of the Schedule to the Education (Independent School Standards) Regulations 2014. This requires that an academy's complaints policy:

1. is in writing;
2. is made available to parents of pupils;
3. sets out clear timescales for the management of a complaint;
4. allows for a complaint to be made and considered initially on an informal basis;
5. where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establishes a formal procedure for the complaint to be made in writing;
6. (where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor, consisting of at least three people who were not directly involved in the matters detailed in the complaint;
7. ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
8. allows for a parent to attend and be accompanied at a panel hearing if they wish;
9. (provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations:
 - (i) is provided to the complainant and, where relevant, the person complained about; and
 - (ii) is available for inspection on the school premises by the proprietor and the head teacher;
11. provides for a written record to be kept of all complaints made in accordance with sub-paragraph (e) documenting:
 - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
 - (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld); and

12. provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

Whilst academies which follow these regulations do have appropriate school complaints policies, we have identified that a frequent weakness is where academies do not appoint an independent person to the panel when a complaint against a school has reached the complaints panel stage, or where the policy does not cover the retention of confidentiality of records relating to the complaint. You should exercise caution appointing an 'independent' person where you are part of a multi-academy trust. In addition, you should ensure that any records you do keep which relate to a complaint, are also covered in your retention and destruction policy for the purposes of Data Protection compliance.

Contact



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