

# Guidance on using the School Complaints Procedure

The 'Model School Complaints Procedure' (the procedure) is for use by parents, carers, students or anyone who wishes to make a complaint about school services or staff. This guidance material will support school staff and governors with effective implementation of the procedure. Education Authority training will also be available to further support schools.

Boards of governors may wish to consider establishing a standing complaints committee at the beginning of each four-year term of office, in order to avoid delays arising when any complaints are received.

This guidance has been developed by the Education Authority (EA) in conjunction with other educational partners<sup>1</sup>, and will help users avoid common pitfalls and understand their rights, obligations and duties when implementing the procedure. Some parts of the procedure may be amended by each school to suit their individual needs. Amendments may **ONLY** be made to the following parts of the procedure:

- any aspect of the introduction, specifically contact details and communication details
- details of how to contact the chairperson of the board of governors pg.7.
- the school name may be added where appropriate.

***Record keeping is an essential component of good complaints handling. Schools / governors should open an individual file (case file) for each separate complaint to record all contact.***

## Issues raised by Parents/Carers

If a child has a problem at school, the matter should normally be sorted out through discussion with the child's teacher or the appropriate member of staff. Schools should let parents/carers know who to contact and when, as they may not be familiar with the school's structures.

***A proposed chart, which lists members of staff and their contact details, is included in the model procedure and is one suggested way a school can do this. Schools should clearly outline how parents/carers can contact staff.***

Schools should encourage their users to communicate with staff, as they will often be able to resolve matters at an early stage. In many situations, this may include an agreed course of action or in some cases an apology where that is appropriate.

If parents/carers feel dissatisfied after initially talking to school staff, then they should be referred to the complaints procedure. They should be provided with a copy of the procedure for their convenience, either hardcopy, electronic link by email or email copy.

Correspondence received by the school does not have to indicate specifically that it is a complaint in order to be treated as a complaint. Schools may direct such correspondence initially to relevant staff, with the aim of resolving matters at an early stage, as opposed to invoking the complaints procedure.

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<sup>1</sup> Council for Catholic Maintained Schools, Comhairle na Gaelscolaíochta, Controlled Schools' Support Council, Northern Ireland Council for Integrated Education

Where the principal recognises that such communication would most effectively be handled from the outset by means of the complaints procedure, then he/she should proceed to do so and should advise the correspondent accordingly. The school complaints procedure provides a robust and appropriate process for schools to address any such matters.

Copies of the complaints procedure should be clearly and easily available on the school website, or available from the school on request.

### **Issues raised by Other Users<sup>2</sup>**

If people other than parents/carers wish to raise an issue, they should be able to communicate with staff, as these staff will often be able to resolve matters at an early stage. These other users should be directed to speak to someone at the school office to arrange a meeting or a telephone conversation with the school principal. In many situations this may include an agreed course of action or in some cases, an apology where that is appropriate.

***It is important for schools to note that they should clearly outline how other users can make these contacts to raise issues.***

If these initial attempts to resolve the issue by talking have been unsuccessful, then the Users should be referred to the complaints procedure in order that matter may be more fully investigated. Copies of the complaints procedure should be clearly and easily available on the school website or available from the school on request.

### **Aims of the Complaints Procedure**

The model policy includes a number of important aims with which school staff and governors should be familiar. These should be guiding principles throughout the handling of any complaint.

### **Time Limit for Bringing a Complaint**

As outlined in the procedure, complaints will normally only be considered within 6 months of the date of the incident(s). Incidents that happened more than 6 months ago will not normally be considered unless there are exceptional circumstances.

Some examples of exceptional circumstance may include the following (the list is not exhaustive):

- Late/delayed disclosure by a child of an incident of bullying or inappropriate behaviour
- A very serious issue that involved intimidation
- Illness that delayed the reporting of the incident
- Family circumstances that delayed reporting of the incident – for example: bereavement, break up (other similar situations)

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<sup>2</sup> For example: school neighbour / delivery personnel / external agency working in school

## Time frames for dealing with complaints

Time-frames are outlined at each relevant stage of the procedure; these are articulated in school working days and may need to be reviewed if complaints are ongoing during school closure periods. Schools should make every effort to resolve any complaints received in the period leading up to the long school closure period in July and August. Every reasonable effort should be made to get an ongoing complaint concluded so that the complainant is not awaiting resolution for a number of months over the summer holidays.

Timeframes are important to complainants and those against whom a complaint has been made, and every effort should be made to meet these as stated; however there may be times when this is not possible. In such cases, schools / governors should inform complainants (and other parties as appropriate) about this in writing as soon as possible, indicating a revised date.

***Timeframes start from the date of receipt of the letter of complaint.***

## The Procedure

### Stage One

It is important to maintain full written records, both in terms of the strategic whole-school management of complaints and in terms of individual case files for each separate complaint. (A draft table is provided at **Appendix One**) Accordingly, **complaints must be made in writing**.

At Stage One, the complainant should write to the school principal – this can be done by email or letter. The school email address / school address should be available on school documents, the school website or online. In the event that a person contacts the school via social media to make a complaint, the school should contact the person by means other than social media, to acknowledge receipt of the complaint and should implement the complaints procedure in the normal way. If however the school has no other contact details for the person than the social media platform used, a brief **private** message should be sent in response to ask the person for relevant contact details.

***The Education Authority is currently developing guidance materials for schools around the wider use of social media. This will be particularly helpful for any schools experiencing situations where social media may be used to compound and/or interfere with the handling of complaints***

If complainants require help to make a complaint in writing, they should be advised to contact the school office, where they should be informed about local organisations that may offer support. These include:

- Local MLAs / Councillors
- Citizens' Advice Bureau
- Parenting NI
- Children's Commissioner

It is not the school's responsibility to contact these organisations on behalf of complainants.

***If the complaint is about the principal, Stage Two of this procedure should immediately be used. If a letter of complaint is sent to the principal and the complaint is wholly or partly about themselves, then they should immediately refer it to the chairperson of governors. If a person wishes to make a complaint about the principal, they should be advised to contact the chairperson of the board of governors in writing, leaving the letter at the school office marked: 'For the attention of the chairperson of the board of governors PRIVATE AND CONFIDENTIAL'.***

## **What should happen when a letter of complaint has been received?**

As stated, Stage One of the procedure is managed by the principal. The principal should acknowledge receipt of the letter of complaint in writing as soon as possible but within 10 school working days. These are school working days, which do not include school holidays or weekends. This will be a short letter informing the complainant that their complaint has been received and is being dealt with. There is a draft letter in **Appendix Two** to support this process. A copy of, or a link to, the school's complaints procedure should be included with this letter for the complainant's information. It is important to adhere to timeframes; however, there are occasions when it may not be possible to complete the investigation within the stated 20 school working days. It is important to inform the complainant, and any other parties involved, as soon as this becomes evident and a new timeframe given.

The principal will begin an investigation of the complaint either by working alone, delegating to another individual or by setting up a team to carry out an investigation. This person or team will be referred to as 'the panel'. Panel members should have no prior involvement in the complaint or in the circumstances surrounding it, or have any conflict of interest (for example; *have a familial relationship with anyone involved*).

The investigation may involve the following steps:

- Set up a case file to hold all written information relating to the complaint in one central place, if one has not already been set up upon receipt of the letter of complaint. This should be stored confidentially, as 'in committee' minutes, away from other documents, in a locked cupboard.
- Produce a summary of the specific complaint(s) from the original letter – numbered if there are more than one. This is a very important step. It clarifies the complaint(s), ensures that the investigation is focussed on specific complaint(s), and allows clear outcomes at the end of the process. It is good practice to agree this summary with the complainant so that there is no confusion.
- Establish what has happened so far, who has been involved and gather any written records that already exist (where a case file has already been set up, this information should be readily accessible)
- Those involved in the complaint may be interviewed. These might include the following:-  
*Complainant:* - should be informed that they may be accompanied but not represented by another person during the process, for example spouse, friend, family member or interpreter, provided this person is not offering legal representation or acting in an official capacity.

If the complainant feels unable to speak on their own behalf, they may avail of support from outside agencies as agreed with the school. (*Local MLAs / Councillors / Citizens' Advice Bureau / Parenting NI / Children's Commissioner*)

Staff Member, including non-teaching staff: - should be informed that they may be accompanied or represented by another person during the process; for example, union representative, colleague<sup>3</sup>

Pupils: permission should be sought from parents / guardians and pupils should be accompanied by parent, guardian or other nominated adult

It may be appropriate to seek a written statement if a person is unable to meet for any reason.

Parties should normally be informed when a complaint is made against them and be able to see relevant correspondence.

## **The Investigation**

All participants should be offered a reasonable range of dates and times to meet; for example, daytime and evening options and at least two dates. Care should be taken to ensure that the process is not unduly delayed by any participant as there are stated timeframes to be adhered to. If there are any delays, all parties should be notified so that they understand what is happening and why. As previously stated, if it will not be possible to complete the investigation within the stated 20 school working days, all parties, should be informed as soon as this becomes evident and a new timeframe given.

Meetings should be conducted in a manner that fosters respect and courtesy for all. Consideration should be given to whether it is appropriate to hold meetings at the school for reasons of confidentiality. Complainants should not be interviewed alongside any party to whom the complaint relates. Everyone involved in handling complaints at any stage should keep an open mind and be fair at all times.

Where the investigation is being conducted by a panel, a chairperson should be nominated to lead the meeting(s). Panels should remember that this may be a very difficult situation for a person being interviewed and should therefore make every effort to put them at ease.

The chairperson should:

- introduce all participants at the meeting
- clarify that voice recording will not be permitted, unless consent from all parties has been obtained to do so
- outline the role of each person in the process (who is taking notes / chairing the meeting / keeping time )
- state a duration for the meeting
- inform participants that where anyone is accompanied, the role of their companion is to offer support and not to engage with the panel (except employees who are entitled to be accompanied at all formal stages of the procedure by a colleague or a recognised trade union representative.)
- explain that notes of the meeting will be taken and will be available to anyone in attendance who wants a copy
- explain that the panel may ask questions for clarification
- ask the complainant to outline the nature of the complaint in as much detail as possible
- ask others to provide specific details of what they, for example, witnessed / said / took part in

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<sup>3</sup> (For information on workers' statutory rights to be accompanied, this should be read in accordance with Section 3 of the LRA's Code of Practice on Disciplinary and Grievance Procedures (Paras 110-116).

- ask what actions the complainant feels would put things right – without obligation to make promises at this stage

The panel should decide who will keep notes and how these will be retained after the interview(s). It is recommended that only one panel member be nominated to write notes and other panel members should review and sign these at the end of each investigatory meeting. Notes should include the date, time, location and names of those present at the meeting. If anyone arrives late or leaves early this should also be recorded. The notes should also briefly summarise discussions and any decisions made.

Notes should be stored in the same manner as ‘in committee’ minutes and therefore should not be circulated or accessible without the permission of the governors and should be kept in a locked cupboard.

At the end of the meeting, timeframes for next steps should be clearly outlined to the person being interviewed in line with the school’s procedure.

***They should be informed that a written response, articulating the ‘outcome’ will be sent to them in writing by the Principal. This should clearly indicate whether the complaint(s) have been: upheld, partially upheld or not upheld.***

Reasons for the outcome(s) should be explained, and any required actions (recommendations) to be taken by the school should be listed briefly and in an appropriate level of detail. Feedback to the complainant **should not include details of any potential disciplinary measures that may be recommended.**

### Examples of Recommendations

These may include (*the list is not exhaustive*)

- An apology<sup>4</sup>
- Review of school policy or procedure
- Staff training
- Discussion / mediation between parties
- Application of school management procedures

## Stage Two

**Every Stage Two complaint will be either:**

- A dissatisfied Stage One complainant, or
- A complaint about the principal

**If the complaint is about the principal, Stage Two will be the first stage of the process.**

**This stage is completely managed by the board of governors. The principal or school staff should play no part in this stage.**

<sup>4</sup> Guidance on issuing an apology is available on the NIPSO Website at the following link:

<https://nipso.org.uk/site/wp-content/uploads/2016/12/N14C-A4-NIPSO-Guidance-on-issuing-an-apology-June-2016.pdf>

Where the chairperson receives a complaint directly that is, in part, about the principal, it may be appropriate to consider whether there are any aspects of the complaint that could reasonably be handled at Stage One. If so, any such aspect(s) should be subdivided and handled accordingly.

### **Role of Committee Considering the Complaint**

Where the complaint has already been considered at Stage One, the role of the governors is to consider how the complaint was handled in the context of the school's complaints procedure, to consider all the notes detailing communication between the parties and to consider any additional information provided by the complainant. All information considered at Stage One should be made available to the governors for consideration. Governors are not required to routinely re-investigate the complaint unless they deem this necessary.

### **Role of Committee**

- To consider the complaint in a clearly independent and impartial manner
- To ensure panel members have no prior involvement in the complaint or in the circumstances surrounding it or have a conflict of interest (for example; *have a familial relationship with anyone involved*)
- To try to ensure that there is a range of the categories of governors and have sensitivity to the issues of race, gender and religious affiliation on the committee
- To adhere to strict confidentiality throughout the process
- To consider the evidence submitted by relevant parties and consider whether they feel it is sufficient. Have all relevant questions been asked? Is there sufficient detail to enable sound outcomes to be decided?
- To interview any relevant parties if deemed necessary.
- To decide whether to uphold the complaint in whole or in part, or not to uphold the complaint.
- **To issue a letter informing the complainant of the final outcome of Stage Two and any recommendations, within 20 school working days from the date of receipt of the letter of complaint. This letter should also advise the complainant that if they remain dissatisfied then they may refer the matter to the office of the Northern Ireland Public Services Ombudsman, within six months of receiving of the final outcome**
- To recommend changes to the school's systems or procedures, if necessary, to ensure that problems of a similar nature do not recur.

### **Improving Practice**

Principals and governors should work together to ensure that recommendations to school systems or procedures, arising from any school complaint, are effectively implemented and followed through in a timely fashion.

Employing Authorities and sectoral bodies wish to monitor school complaints in order to best support schools and to monitor the number and frequency of complaints. To this end you may be contacted periodically by your employing authority or sectoral body, for information gathering purposes.

### **Following Stage Two**

If following Stage Two the complainant is dissatisfied with the outcome of the complaint, they will be advised ***within the final outcome letter*** to refer the matter to the Office of the Northern Ireland Public Services Ombudsman (NIPSO) within six months.

### **Northern Ireland Public Services Ombudsman (NIPSO) [www.nipso.org.uk](http://www.nipso.org.uk)**

If following Stage Two you remain dissatisfied with the outcome of your complaint, you can refer the matter to the Office of the Northern Ireland Public Services Ombudsman (NIPSO).

The Ombudsman provides a free, independent and impartial service for handling complaints about schools in Northern Ireland. You have the right to complain to the Ombudsman if you feel that you have been treated unfairly or have received a poor service from a school and your complaint has not been resolved to your satisfaction.

A complaint should normally be referred to NIPSO within six months of the final response from the School. The school must advise in its concluding letter that the complaint may be referred to the NIPSO if you remain dissatisfied.

Contact details for NIPSO are:

#### **Northern Ireland Public Services Ombudsman**

Office of the Northern Ireland Public Services Ombudsman

Progressive House

33 Wellington Place

Belfast

BT1 6HN

Freepost: FREEPOST NIPSO

Telephone: 02890 233821

Freephone: 0800 34 34 24

Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

Web: [www.nipso.org.uk](http://www.nipso.org.uk)

# Appendices

## **Appendices**

<b>Appendix One:</b>	Record of School Complaints
<b>Appendix Two:</b>	Draft Letter of Acknowledgement to Complainant
<b>Appendix Three:</b>	Unreasonable Complaints Guidance
<b>Appendix Four:</b>	Glossary of Abbreviations



## **APPENDIX TWO: *Draft Letter of Acknowledgement***

Name

Address

Dear .....

I acknowledge receipt of your letter of complaint which was received on ..../../20... We will carry out an investigation of the issues in line with our complaints procedure and will respond to you by (*insert a date 20 days from receipt of the letter*).

As part of our investigation, we may wish to speak to you and if that is the case we will be in touch to arrange this.

I enclose a copy of our schools' complaints procedure for your information.

Yours sincerely

Principal's Signature

Contact details

## **APPENDIX THREE: *Unreasonable Complaints Guidance***

### **Guidance on unreasonable complaints**

On occasion, people can pursue complaints in a way that is deemed unacceptable either through their behaviour, persistence or the nature of the complaint. The school must balance the rights of an individual to make a complaint and have it fairly investigated with the rights of staff not to be subjected to unacceptable actions or behaviour.

Unreasonable complaints are time consuming; they can be extremely stressful and upsetting and can take up valuable resources and staff time. Whilst the school makes every effort to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Everyone has the right to be treated with respect. No member of staff is expected to continue with any engagement that is of an abusive or aggressive nature. For example, staff may end telephone calls or meetings where this occurs. It is important that staff are clear about how to deal with these situations when they arise and that complainants are aware of how unreasonable complaints and/or behaviour will be managed.

### **Guide for Staff**

All complaints must be managed in accordance with the school's complaints procedure. The stages of the procedure are designed to ensure that complainants have the opportunity of rigorous scrutiny of their issues.

Any decision to treat a complainant as unreasonable must take into account the need to ensure that the complaints procedure is being fairly applied and every attempt has been made to communicate and address concerns about behaviour/conduct with the complainant.

People may act out of character in a time of trouble, anxiety or distress. There may have been upsetting or distressing circumstances leading up to a complaint. Reasonable allowances should be made for this. However, we do consider actions that result in unreasonable demands on our office or unreasonable behaviour towards staff to be unacceptable. It is these actions we aim to manage under this policy.

It is also important to consider that due to some disabilities and medical conditions some people may be potentially more aggressive. Whilst we will never tolerate aggressive behaviour, you should think carefully about whether this may be the cause and make reasonable and appropriate allowances.

Complainants may be deemed to be unreasonable where they:

- Persist in pursuing a complaint where the school's complaints process has been properly implemented and exhausted;
- Persistently change the substance of a complaint or continually raise new issues whilst the complaint is being addressed. Care must be taken not to disregard new issues which are significantly different from the original complaint;
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of staff to help them specify their concerns;
- Have threatened verbally with or without the use of foul and abusive language or used or threatened to use physical violence towards employees;
- Have had an excessive contact with the school, placing unreasonable demands on employees. Such contact may be in person, by telephone, letter, email or fax or any other means;
- Have harassed or been verbally abusive or aggressive towards employees;

- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved;
- Have made unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced;
- Make unreasonable demands of the school and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or outside the timeframes set out in the school's complaints procedure; and
- Make repetitive complaints and allegations which ignore the replies which the school has previously supplied.
- A complainant may display one or a combination of the above examples. The list is not exhaustive and each case must be considered on its own merit.

### **Options for Dealing with Unreasonable Complainants**

The decision to treat a complainant as unreasonable should not be taken lightly. The following questions should be considered:

- Has the complaint been, or is it being, investigated properly in line with the school's complaints procedure?
- Has communication with the complainant been timely, adequate and accessible?
- Has the complainant provided any significant new information that might affect the school's view of the complaint?

### **The options below can then be considered:**

Consider offering the complainant a meeting with a member of staff of appropriate seniority provided there has been no verbal abuse or threat of violence. A communication (in a suitable format for the complainant), setting out responsibilities of the parties involved if the school is to continue processing the complaint. If the terms are not met, consideration will then be given to implementing one or more actions set out below.

Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that one named member of staff will be nominated to maintain contact.

Notify the complainant, in writing, that the school has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising that they are being treated as an unreasonable complainant and that the school does not intend to engage in further correspondence dealing with the complaint.

Temporarily suspend all contact with the complainant, while seeking advice or guidance from EA legal advisers, health, safety and security staff or other relevant agencies for example PSNI. This temporary suspension of contact may include the blocking of emails from the complainant to staff who may have been subjected to harassment.

Once a decision has been reached to use any of the actions above, the principal or chairperson of governors should advise the complainant of their right to a review of the decision. A review will be undertaken 4 months after the decision.

#### **APPENDIX FOUR: *Abbreviations Used***

**CCEA** Council for the Curriculum, Examinations and Assessment

**CCMS** Council for Catholic Maintained Schools

**CnaG** Comhairle Na Gaelscolaíochta

**CSSC** Controlled Schools' Support Council

**DE** Department of Education

**EA** Education Authority

**ETI** Education and Training Inspectorate

**NICIE** Northern Ireland Council for Integrated Education