



Ministry  
of Defence

## DCYP Directive 3.2.8

# Complaints Procedure for MOD Schools & Settings Overseas

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## General

<b>Authorisation</b>	Director DCYP
<b>Senior Responsible Owner</b>	HQ DCYP Chief Education Officer
<b>Points of Contact</b>	Assistant Chief Education Officer (Upavon) 01980 61 5681 Assistant Head Ops and Plans (MOD Schools) 01980 61 8032
<b>Review Date</b>	Jul 2022
<b>Related Policy/ Guidance</b>	Section 29 The Education Act 2002 Best Practice Advice for School Complaints Procedures (Department for Education 2016) Joint Service Publication (JSP) 834:Safeguarding MOD Civilian Policy for Misconduct and Discipline MOD Civilian Policy for Greivance and Dispute Resolution DCYP Directive 3.2.9 Pupil Exclusion
<b>Annex A</b>	Guidance for Complainants
<b>Annex B</b>	Complaints Form
<b>Annex C</b>	Complaints Procedure - School Governance Committee
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## Introduction

1. In accordance with Section 29 of the Education Act 2002, all Local Authority (LA) maintained schools must make available a procedure to manage complaints relating to their school. The procedures laid out in this document mirror, where reasonably practicable overseas, the statutory requirements placed upon schools and settings in England's maintained education sector.

## Aim

2. This Directive aims to provide direction on the procedures that MOD schools and settings overseas are to follow in the management of complaints relating to their establishments.

## Scope

3. This Directive only applies to MOD schools/settings overseas. The Queen Victoria School (QVS) follows Scottish National statutory requirements; their policy is accessed on their website. Please note that it is a statutory requirement within Scotland for all boarding schools to make their complaints log available to the Care Inspectorate as part of an annual unannounced inspection.
4. **Where a concern or complaint indicates that a child is at risk of harm, MOD school staff are to follow the procedures directed through JSP 834 for safeguarding and child protection and DCYP Policy Directive 3.2.2 for allegations of a Safeguarding nature.**
5. This Directive does not cover complaints procedures relating to:
  - a. **Admissions;** DCYP personnel are directed to follow guidance contained in the MOD Schools Admissions Directive which will be published separately.
  - b. **Safeguarding;** DCYP personnel are directed to follow policy contained in JSP 834: Safeguarding;
  - c. **Pupil Exclusion.** DCYP direction on appealing against decisions on pupil exclusion is contained in DCYP Directive 3.2.9: Pupil Exclusion.
  - d. **Whistleblowing.** DCYP personnel are to follow MOD Civilian policy for whistleblowing;
  - e. **Grievance.** DCYP personnel are to follow MOD Civilian policy for grievance and dispute resolution.
  - f. **Misconduct and Discipline.** The MOD Civilian policy for discipline and misconduct applies to all DCYP personnel. In addition to this, Soulbury and Teaching grades employed by DCYP are subject to separate standards of conduct governed by England's National Teaching Standards.
6. Advice and guidance on MOD Civilian procedures for Whistleblowing, Grievance, Misconduct and Discipline may be sought from the HQ DCYP Civilian Workforce Team in the first instance.
7. Locally Employed Civilians (LECs) will follow separate policy and procedures as directed by their employing authority.

## Identifying a Complaint

8. It is important to understand the difference between a complaint and a concern. A concern<sup>1</sup> is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. MOD schools/setting will resolve concerns through day-to-day communication as far as possible. Early and informal resolution will reduce the likelihood of a concern developing into a complaint.

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<sup>1</sup> DFE guidance.

9. A complaint is defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’<sup>2</sup>. Complaints will be managed informally where possible and at the earliest possible stage.

## Responsibilities

10. The complainant (the person making the complaint) will receive a more effective response to their complaint if they:

- a. Co-operate with the school in seeking a solution to the complaint;
- b. Contact the school as early as possible with the full details;
- c. Respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- d. Ask for assistance as needed;
- e. Treat all those involved in the complaint with respect and in confidence.

11. MOD school head teachers/settings managers are to<sup>3</sup>:

- a. Designate a complaints coordinator, (independent of those involved in the complaint) to have responsibility for the operation and management of complaints within their school;
- b. Designate a senior member of staff other than the head teacher/setting manager to act as a mediator on behalf of class/head teacher/setting manager if required during the process;
- c. Conduct investigations into formal complaints in accordance with this directive;
- d. Appoint an independent investigator as appropriate (this can be the complaints coordinator);
- e. Conduct a lessons-identified exercise following every formal complaint.

12. The complaints coordinator will:

- a. Ensure that the complainant is provided with the Guidance at Annex A and is fully updated at each stage of the procedure;
- b. Make sure that all involved in the procedure are aware of any legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000;

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<sup>2</sup> DfE ‘Best Practice Advice for School Complaints Procedures 2016’.

<sup>3</sup> These appointments must be made in the event of a complaint. How the school/setting chooses to allocate these roles is at the discretion of the head teacher/setting manager.

- c. Liaise with any member of staff, the head teacher, the chain of command and Clerk to Governors to make sure the complaints procedure is followed;
  - d. Conduct the investigation if directed to do so (See Para 16 below);
  - e. Keep records (See Para 24 below);
  - f. Be aware of issues regarding sharing third party information and additional support required such as that of an interpreter.
13. The Investigator is the person involved at the formal stages of the procedure. They will provide a comprehensive, open, transparent and fair consideration of the complaint through:
- a. A sensitive and thorough conversation with the complainant to establish what has happened and who has been involved;
  - b. Consideration of records and any other relevant information;
  - c. The interview of staff and children and any others relevant to the complaint;
  - d. Analysing any relevant information;
  - e. Liaison with the complaints co-ordinator to ascertain what the complainant feels would put things right;
  - f. Identifying solutions and making recommendations regarding actions to resolve the issues;
  - g. Being aware and mindful of the timescales within the procedure to responding;
  - h. Writing the outcomes to the complainant in plain and clear language. The person undertaking the investigation will at all times conduct interviews with an open mind and be prepared to persist in the questioning and keeping notes of interviews (or arranging for an independent note-taker to record minutes of any meetings).
14. The School Governance Committee (SGC) is responsible for:
- a. Conducting hearings as required using the process outlined in this directive.

### **Principles for investigation.**

15. When investigating a complaint, MOD schools/settings will need to clarify:
- a. What has happened, and why;
  - b. Who was involved;
  - c. What the complainant feels would put things right.
16. The intention is to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

17. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay. If the complaint is complex and requires investigation that cannot be completed within the directed time limits, new time limits can be set. The complainant will be informed of the new deadline and an explanation for the delay.

18. To enable appropriate investigation, complaints are to be raised as soon as possible after an incident arises and no later than 3 months afterwards. Exceptions to this time frame will be considered in circumstances where there were valid reasons for not making a complaint within the timeframe and where the complaint can still be investigated in a fair manner for all involved. Any person can make a complaint about provision of facilities or services that a MOD school/setting provides within the scope of this directive.

19. Anonymous complaints will not be considered unless there are exceptional circumstances; for example, where there are safeguarding, or child protection concerns or allegations of bullying.

20. If conduct or performance procedures are invoked as a result of the complaint, the details of the action taken will remain confidential. However, it is permissible for the complainant to be informed that appropriate action has been taken under MOD procedures.

21. All DCYP personnel are entitled to dignity at work and any complaints made should not involve verbal abuse or, if the complaint is written it should not contain wording that might be a potential defamation of character. In the event of verbal abuse, the complainant will be asked to leave the premises. In the event of a written complaint being derogatory, HQ DCYP will be contacted for advice, as will the teacher's union.

## **Record Keeping**

22. All MOD schools/settings are to keep details of complaints<sup>4</sup> received and provide annual returns at the end of each academic year, to HQ DCYP, Assistant Head Ops and Plans (MOD Schools), the district ACEO and the Chair of their School Governance Committee (SGC).

23. The complaints coordinator will process and maintain records of complaints in a 'complaints folder' in accordance with DCYP Directive 7.1.2: Records Management.

24. The Assistant Head Ops and Plans will monitor the volume and nature of complaints made under the procedures defined in this directive.

## **Resolving Complaints**

25. At each stage in the procedure it is important to identify ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- a. An apology;

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<sup>4</sup> Complaints that have been submitted in writing or where an appointment to see a member of staff has been made.

- b. An explanation of why an action was undertaken in a certain way;
- c. An admission that the situation could have been handled differently or better;
- d. An assurance that the event complained of will not recur;
- e. An explanation of the steps that have been taken to ensure that it will not happen again;
- f. An explanation of why the complaint is not being upheld;
- g. An undertaking to review school/setting policies in light of the complaint.

## The Complaints Procedure

26. There are three stages to the complaints procedure below and detailed in Annex A:
- a. **Informal:** Complaints are heard by the member of staff concerned and if unresolved, raised to the head teacher or delegated member of staff (or the Chair of the School Governance Committee (SGC) for complaints about the head teacher);
  - b. **Formal Stage One:** Complaints are raised in writing and heard by the head teacher or delegated member of the staff (or to the Chair of the SGC for complaints about the head teacher);
  - c. **Formal Stage Two:** Complaints are heard by the SGC Complaints Appeal Panel.

On conclusion of the full procedure, there may be cases where a complainant remains dissatisfied; in these cases, the complainant may be informed that the matter is closed and will not be reconsidered.

27. **Informal.** Complaints are to be managed and resolved, whenever possible, informally. In most cases, complaints will be raised to the class teacher who will seek to resolve issues.
- a. Complaints at this stage can be raised directly with the member of staff concerned, through an appointment in person, by telephone or in writing.
  - b. Where a complainant prefers to communicate with an alternative member of staff, this person is to be in the line management chain e.g. head of department, Key Stage co-ordinator or deputy head.
  - c. The member of staff may wish to refer the complainant to the designated mediator.
  - d. It may be appropriate to raise some informal complaints to the head teacher or delegated member of staff; this may be done through an appointment in person, by telephone or in writing.
  - e. Head teachers will investigate the issue or delegate the investigation to a member of staff or an independent investigator.
  - f. **Timelines.** Informal complaints will be resolved within fifteen school days from the date the complaint was raised with the relevant member of staff.

28. **Formal Stage One.** Formal procedures should only be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

- a. The district ACEO, local to the school is to be informed when a complaint reaches this formal stage and throughout the duration of the procedure.
- b. Where a complaint is not resolved through the informal procedure, the complainant will be provided with information about the formal procedure by the complaints coordinator.
- c. Complainants must put the complaint formally in writing to the head teacher, using the Complaints Form at Annex B and including all supporting information e.g. names of potential witnesses, dates and times of events, and copies of relevant documents as well as their requested resolution.
- d. The head teacher will acknowledge receipt of the complaint in writing and provide an opportunity to meet the complainant to discuss the complaint.
- e. The head teacher will conduct the investigation or appoint a senior member of staff to do so on their behalf. The head teacher or appointed member of staff will gather evidence and conduct interviews as appropriate.
- f. It may not be appropriate to conduct an interview in case it prejudices a LADO or police investigation. Where it is necessary to interview the respondent (the subject) of a formal complaint, they may be accompanied by a friend or union representative.
- g. The respondent will be provided with a copy of the complaint and supporting evidence presented by the complainant. Information about third parties should be redacted.
- h. On conclusion of the investigation, the head teacher will reach a decision about the complaint and communicate this in writing to the complainant and the respondent(s). The written response should include a full explanation of the decision. If the complaint is upheld in whole or in part, it should include what action the school/setting will take to resolve the complaint. Head teachers (or designated staff) are to adapt the model closure letter at Annex E.
- i. **Timelines.** The formal stages will be concluded within fifteen school days from the date the complaint was received by the head teacher. If the complaint is complex and cannot be resolved within this period, the head teacher should write to the complainant giving a revised target date for completion.

29. **Formal Stage Two - Appeal.** If the head teacher does not uphold the complaint or the complainant remains dissatisfied, the complainant should be advised to raise the complaint for consideration by a sub-committee of the SGC. Full details of the complaint should be set out in writing and sent to the Chair of the SGC.

- a. The sub-committee will comprise of two SGC members, a head teacher from a different school/setting, and a senior representative from DCYP.
- b. No members of the sub-committee should have had any prior involvement in the case. Staff members at the school may not serve on the complaints sub-committee.



- c. Video conference facilities should be used where members of the panel are not able to attend in person. If this is not possible, the SGC members of the sub-committee will hear the complaint on their own and share the evidence with the HQ DCYP representative before the three members of the sub-committee make their collective decision.
- d. The complaints sub-committee should invite the respondent and the head teacher to a hearing and provide details of the arrangements. The procedure for the hearing is described at Annex C and a model letter is at Annex E.
- e. If the complaint is not upheld, the Chair of the sub-committee will write to the complainant notifying him/her of the decision and confirm that there is no further right of appeal. The sub-committee may adapt the model closure letter at Annex E.
- f. If the complaint is upheld in whole or in part, the sub-committee will make written recommendations to the ACEO local to the school, for review by the Chief Education Officer. In the light of such recommendation(s), the Chief Education Officer may direct alternative resolution actions regarding the complaint. The Chair of the sub-committee will notify the complainant of the outcome.
- g. **Timelines.** The Appeal stage should normally be completed within twenty school days of the complaint being received by the SGC.

## Complaints about actions of the head teacher

30. **Informal.** Where a complaint is about the head teacher the complainant should first directly approach the head teacher to resolve the issue informally.

- a. If the complaint is not resolved at this stage, the head teacher will direct the complainant to the Chair of the SGC.
- b. **Timelines.** Complaints at this stage should be resolved within fifteen school days from the date the complaint was first raised with the head teacher.

31. **Formal Stage One.** If the complainant is dissatisfied with the outcome at the informal stage, the complaint can be considered by a sub-committee of the SGC. Full details of the complaint should be set out in writing and sent to the Chair of the SGC.

- a. The sub-committee will comprise two SGC members and a suitable senior representative of HQ DCYP.
- b. No members of the sub-committee should have had any prior involvement in the case. Staff members at the school/setting may not serve on the complaints sub-committee.
- c. Video conference facilities should be used for panel members who are not able to attend in person. If this is not possible, the SGC members of the sub-committee should hear the complaint on their own and share the evidence with the HQ DCYP representative before the three members of the sub-committee make their collective decision.
- d. The chair of the sub-committee should notify the complainant and the head teacher of the arrangements for the hearing.

e. After the hearing, the chair of the sub-committee should write to the complainant notifying him/her of the decision. If the complaint is not upheld, the complainant should be informed of his/her right of appeal. A model letter is at Annex E.

f. **Timelines.** The formal stage should be completed within fifteen school days from the date the complaint was received by the chair of the SGC.

32. **Formal Stage Two - Appeal.** If the complainant is dissatisfied with the outcome of the formal procedure, s/he should put the complaint in writing and send it to the Chief Education Officer (or nominated deputy during absence) using the Complaints Form at Annex B.

a. The Chief Education Officer will nominate the district ACEO to investigate the complaint.

b. Where it is necessary to interview the head teacher, the head teacher may choose to be accompanied by a friend or union representative. The head teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant.

c. On conclusion of the investigation, the investigator will provide a report with recommendations to the Chief Education Officer who will act as the deciding officer.

d. The Chief Education Officer will provide a written response to the complainant including a full explanation of the decision and the reasons for it. If the complaint is upheld in whole or in part, the response will confirm what action will be taken to resolve the complaint.

e. **Timelines.** The Appeal stage will normally be completed within twenty school days of the complaint being received by the Chief Education Officer.

## Complaints from pupils

33. Complaints from pupils about a MOD school/setting member of staff, service or facility raised by a pupil of the school/setting will be managed in accordance with this directive.

34. **Informal.** At this stage, complaints will be raised with the class teacher or the teacher with pastoral responsibility. Pupils have the opportunity to raise informal complaints in person to their class teacher/form tutor.

a. Where the complaint is initially made to another member of staff, that member of staff will refer the matter to the class teacher/form tutor.

b. Where the complaint is about the class teacher or teacher with pastoral responsibility, the pupil may instead raise the complaint with a senior member of staff.

35. **Formal Stage One.** If the pupil is dissatisfied with the outcome of the informal procedure, the complaint will need to be raised to the head teacher. Although it is helpful for the pupil to put the complaint in writing, it is not essential.

a. After considering the pupil's complaint, the head teacher should provide the pupil with a written response, set out in language which is accessible to the pupil and explaining the reasons for decisions and resulting actions.

b. Where an interview with a pupil is necessary, Children/young people will be told what the interview is about and that they can be accompanied; this can be by a member of staff or parents/carers.

36. **Formal Stage Two – Appeal.** If the pupil is dissatisfied with the outcome of the formal stage or if the complaint is about the head teacher, s/he has the right for the complaint to be considered by a sub-committee of the SGC. The complaint should be set out in writing and sent to the Chair of the SCG who will make arrangements for a meeting of the SGC sub-committee. A copy of the complaint should be sent to the district ACEO. Alternatively, the pupil may give the complaint to the head teacher for onward transmission to DCYP.

37. The pupil may be assisted in presenting his/her complaint, both in writing and at any hearing of the SGC sub-committee by:

- a member of the pupil's family;
- a fellow pupil;
- a member of staff, where this does not involve a conflict of interests.

38. The sub-committee will comprise four members: the Chair or Vice-Chair of the SGC (who will act as chair of the sub-committee) the district ACEO and two other members of the SGC.

39. The complaints sub-committee will decide whether there is sufficient written evidence to consider the complaint or if a hearing is needed. The sub-committee may also decide whether any further enquiries should be pursued prior to such hearing.

40. Where the sub-committee decides that a hearing should take place, the chair of the sub-committee should notify the pupil and the head teacher of the arrangements for the hearing. The procedure is described at Annex C.

41. If the complaint is not upheld, the chair of the sub-committee will write to the pupil notifying him/her of the decision, and confirming that there is no further right of appeal adapting the letter template at Annex E.

42. If the complaint is upheld in whole or in part, the sub-committee will make written recommendations to the district ACEO, for review by the Chief Education Officer, who will determine what action will be taken regarding the complaint. The Chair of the sub-committee will notify the pupil and the head teacher of the outcome adapting the letter template at Annex E.

43. **Timelines.** The appeal stage will normally be completed within twenty school days of the complaint being received by HQ DCYP.

## Curriculum complaints

44. The [Best Practice Advice for School Complaints Procedures \(DfE, 2016\)](#) issued in relation to Section 29 of the Education Act 2002, provides details for handling complaints about the delivery of the curriculum, including the New Curriculum and the provision of collective worship and religious education. Although not bound by this Act, DCYP seeks to mirror the provision made in the Act for curriculum complaints.

45. Parents have the opportunity to complain if they have concerns that a school/setting is failing:

- to provide an appropriate curriculum in the school/setting for a particular child;
- to follow the law on charging for school/setting activities;
- to offer only approved qualifications or syllabuses;
- to provide religious education and daily collective worship;
- to provide information that they are required to provide;
- to carry out any other statutory duty relating to the curriculum.

46. **Informal.** The complainant should raise the matter directly with the head teacher.

47. **Formal Stage One.** If not resolved at the informal stage, the complainant is to put the complaint in writing and forward it to the Chief Education Officer with a copy to the Director of Children and Young People Services. The Chief Education Officer will nominate the district ACEO to investigate the complaint. The procedure will follow the same pathway as for complaints about the actions of a head teacher.

48. **Formal Stage Two – Appeal.** If the complainant is dissatisfied with the outcome of the formal procedure, the complaint may be considered by a review panel comprising of the Chief Education Officer, and two senior members of DCYP (not including the original investigator).

## Vexatious Complaints

49. A vexatious complaint is one that is unmeritorious and/or a recurring complaint which seeks only to annoy or distress others or cause unnecessary administrative effort. The presumption will always be that a complaint has been submitted in good faith, even if it is not upheld. It will not be possible to make a judgement as to whether a new complaint is deemed vexatious until it has been properly investigated. Personnel are directed to follow policy on vexatious complaints within the MOD Civilian policy for grievance and dispute resolution.

50. On occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, HQ DCYP will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Financial Compensation

51. DCYP and its MOD schools/settings will not pay financial compensation as a response to complaints.

## **MOD SCHOOLS/SETTINGS COMPLAINTS PROCEDURE – GUIDANCE FOR COMPLAINANTS**

If you want to make a complaint, this Annex summarises what you need to do. You can get a copy of the full procedure and a Complaints Form from the school/setting office. These can also be found on the individual school's website.

There are three stages to this procedure.

### **Informal Stage**

Concerns and complaints can be sorted out quickly by speaking with your child's class teacher, or, in secondary schools, the relevant subject teacher. The teacher will make every effort to address issues informally. It is important that both you and the school understand both sides of the issue. Teachers will explain their actions to you and will ask what you would like the school to do to put things right.

Teachers will normally be in the classroom during the day, but you can leave messages with the school/setting office and the teacher will respond to you.

### **Formal Stage One**

If you are not satisfied with the response and want to take the matter further, you will need to put your complaint in writing, using the form at Annex B, and send it to the head teacher/setting manager. You should include as much information as possible, e.g. dates and witnesses. This will help the head teacher/setting manager to investigate your complaint.

In some cases, the head teacher may find it necessary to meet with you to discuss your complaint.

When the complaint has been investigated fully, the head teacher will write to you and let you know his/her decision. If the head teacher agrees with your complaint, s/he will let you know what the school will do about it.

### **Formal Stage Two - Appeal**

If your complaint is not upheld, you may appeal to a sub-committee of the School Governance Committee (SGC). If you decide to appeal, you should put your complaint in writing to the chair of the School Governance Committee (SGC). You can get the chair's name and address from the school/setting office. You will be invited to attend and speak to the sub-committee. Annex C of this DCYP Directive explains what will happen at this meeting.

### **Complaints against the head teacher/setting manager**

As with complaints against teachers, there are three stages in the procedure. If you have a

complaint about what the head teacher/setting manager has done or not done, the first stage is to raise it directly with the head teacher/setting manager. If you remain dissatisfied, the second stage is to put your complaint in writing and raise it formally to the chair of the School Governance Committee (SGC).

The complaint will then be considered by a sub-committee of the SGC. If your complaint is not upheld, the next stage is to appeal to the Chief Education Officer for MOD schools. If you decide to appeal, you should put your complaint in writing, using the complaints form at Annex B, and send it to the Chief Education Officer, HQ DCYP, Trenchard Lines, Upavon, Wiltshire, SN9 6BE.

### **Timetable for dealing with complaints**

Complaints should be dealt with in the following periods:

Informal stage: 15 school days

Formal stage one: 15 school days

Formal stage two (Appeal): 20 school days

### **Complaints from pupils**

Pupils also have a right to make a complaint. Each school/setting will follow DCYP policy for dealing with complaints from pupils and will make procedures known to them in language that they will understand.

### **Complaints against DCYP personnel**

If you have a complaint about the actions of, or a decision made by, a member of DCYP personnel, the first step is to raise the matter informally with the person concerned. If you remain dissatisfied, you should put your complaint in writing for the attention of the Director, Directorate Children & Young People, Trenchard Lines, Upavon, Wiltshire, SN9 6BE.

## **COMPLAINTS FORM**

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?

What action(s) would resolve your complaint?

Are you enclosing any paperwork? If so, please give details.

Signature:

Date:

For complaints about actions of a member of staff other than the head teacher/setting manager, send or give this form to the head teacher/setting manager.

For complaints about actions of the head teacher/setting manager, send this form to the Chair of the School Governance Committee.



## **SCHOOL GOVERNANCE COMMITTEE COMPLAINTS SUB-COMMITTEE HEARINGS - PROCEDURES**

1. The hearing should be as informal as possible.
2. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
3. If either party to the complaint wishes to be accompanied by a friend, colleague or a representative of his/her professional association, this should be allowed.
4. After introductions, the complainant is invited to explain their complaint, and be followed by his/her witnesses (if any).
5. The head teacher/setting manager may question the complainant and the witnesses after each has spoken.
6. The head teacher/setting manager is then invited to explain the school's/setting's actions and be followed by the school's/setting's witnesses. The complainant may question the head teacher/setting manager and the witnesses after each has spoken.
7. The panel members may ask questions at any point.
8. The complainant is then invited to sum up his/her complaint.
9. The head teacher/setting manager is then invited to sum up the school's/setting's actions and response to the complaint.
10. The chair will explain that both parties will hear from the panel within a set time scale.
11. Both parties leave together while the panel decides on the issues.

## COMPLAINTS PROCEDURE - TIMETABLE

If it is not possible to complete a stage within the specified timescale (e.g. where the complaint requires extensive investigation) the complainant should be notified of the reasons for the delay and given a revised timescale for completion.

### ***Complaints about actions of a member of staff other than the head teacher/setting manager:***

**Informal Stage:** 15 school days from date complaint first raised.

**Formal Stage One:** 15 school days from date complaint received by head teacher/setting manager.

**Formal Stage Two – Appeal:** 20 school days from the date complaint received by the Chair of the School Governance Committee.

### ***Complaints about actions of the head teacher/setting manager:***

**Informal Stage:** 15 school days from date complaint first raised with head teacher/setting manager

**Formal Stage One:** 15 school days from date complaint received by the Chair of the School Governance Committee.

**Formal Stage Two – Appeal:** 20 school days from date complaint received by the Chief Education Officer, MOD Schools.

### ***Complaints from pupils:***

Timetable to be specified in school/setting procedures but no longer than timetable for dealing with complaints from parents.

## Model Complaint Letters

This Letter of Invitation to a Complaints Hearing may be adapted for use during the formal stages of a complaint:

### Model Letter of Invitation to a School Governance Committee Complaints Hearing

Address

Date

Dear *Parent*,

Please find enclosed all relevant information relating to the School Governance Sub Committee Complaints hearing which will be convened on *date* at *time* in the *Venue*.

You are welcome to attend the meeting together with a friend or representative. Those present at the meeting will include two School Governance Committee members, a head teacher/setting manager from a different school and a senior representative from HQ DCYP.

A complaint is defined as “dissatisfaction about any aspect of the school’s/setting’s work.” Concerns and complaints may be communicated in writing, by telephone or in person and can be about any aspect of the school’s/setting’s work. They may be expressed by parents, guardians, neighbours or anyone with an interest in the working of the school/setting.

The majority of concerns/complaints can be dealt with satisfactorily by staff on an informal basis. Where this is not possible, the complaint should be addressed through a formal procedure which sequentially should begin with the head teacher/setting manager or Chair of the School Governance Committee and then a School Governance Sub Committee panel.

### General Principles

The following should be observed during the hearing:

- a. The aim of the hearing should be to resolve the complaint and achieve reconciliation between the school/setting and the complainant.
- b. It is the responsibility of the committee to ensure the hearing is properly minuted.

c. The complainant may be unused to dealing with groups of people in formal situations. It is recommended that the Chairperson ensures that the procedures are as informal as possible.

d. In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

### **Order of Hearing**

The following order of hearing will be followed:

1. Welcome and introduction by Chairperson of the Governors' Complaints Committee;
2. Explanation of the procedure;
3. Complainant presents the appeal;
4. Questions to complainant by governors and headteacher/setting manager
5. Headteacher responds to the complaint;
6. Questions to headteacher/setting manager and governors;
7. Summing up by the complainant;
8. Summing up by the headteacher/setting manager;
9. Concluding remarks by the Chairperson of the Governors' Complaints Committee and explanation of what happens next;
10. The complainant and headteacher/setting manager are asked to leave.

### **The Decision**

The Committee can:

1. Uphold the complaint;
2. Uphold it in part; or
3. Dismiss it.

The complainant and the head teacher/setting manager will be informed in writing within 5 school days of the hearing.

Yours sincerely

Clerk to the School Governance Committee

These model closure letters may be adapted for use at the Formal stages of a complaint:

### **Model Closure Letter for Formal Stage One.**

Dear *Parent*,

#### **FORMAL STAGE 1 COMPLAINT ABOUT Y AND SCHOOL Z**

Thank you for your letter dated... From your letter(s) it is clear that you are still unhappy with the situation. As a result, I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that:

*Summary of complaint to be stated. State each point separately.*

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that...
2. Concerning your complaint that...

It is important that you are clear about what action the school/setting has taken at each stage of the process so far:

Informal stage

*State what action was taken in response and the outcome of this.*

Formal stage one

*State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.*

I hope this response answers your concerns. Please let me know if you wish me to clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel who will look at the way in which your complaint has been dealt with. The panel will not, however, rehear the whole case. To go to the next stage (formal stage two), you should write to the chair of your School Governance Committee within ten days of the receipt of this letter, giving your reasons why you wish to take your complaint further.

Yours sincerely,

## **Model Closure Letter for Formal Stage Two – Appeal**

Dear *Parent*

### **FORMAL STAGE 2 COMPLAINT ABOUT Y AND SCHOOL Z**

The panel met on ...date...to hear your appeal regarding your complaint which can be summarised as follows:

*That so and so/the school did/said/did not...*

#### **Legal or administrative background**

*State any legal or administrative background to the case, including any legislation relevant to the investigation.*

#### **The investigation**

*Set out the key facts about the complaint, the findings and conclusions from the formal stage one investigation, and any continuing concerns.*

#### **Conclusion**

*Set out the findings of the panel*

#### **Panel decision**

*Outcome of the decision*

Please let me know if you wish me to clarify any points for you.

This concludes the formal procedure stage for managing complaints against MOD schools/settings and there is no further right of appeal.

If you feel that your complaint has been managed unreasonably, you may make a complaint in writing to the Chief Education Officer, HQ DCYP, Trenchard Lines, Upavon, Wiltshire, UK, SN9 6BE

Yours sincerely