

Navigating parental complaints in turbulent times

12 December 2023

First published in the Education Journal December 2023.

In the current climate, complaints from parents seem inevitable. The NGA Annual Governance Survey 2023 stated: “At the heart of complaints in all cases is the parents’ frustration with the systems they have had to navigate”.

There are numerous policies and procedures that schools are required to comply with, and parents may not always be aware of these. Schools need to be prepared to deal with parents who may have unmet expectations (realistic or otherwise), or who feel a sense of injustice, or who just feel that they need to escalate matters for their issue to be resolved.

Certainly, the way some parents choose to pursue their complaints can be deeply unpleasant for staff and governors, particularly where it involves aggressive behaviour or abusive, offensive or derogatory language. However, the DfE’s best practice guidance makes it clear that labels of vexatious, serial or persistent should be attached to the complaint and not to the complainant.

Therefore, unless the complaint itself is vexatious, a school will still need to respond to the complaint in accordance with its complaints policy.

Common issues with handling parental complaints

Some of the common issues with handling parental complaints that we most frequently see include:

- Knee-jerk, emotive responses from staff, usually by email after hours.
- Errors in law, for example in relation to behavioural sanctions or special educational needs.
- Failure to follow school policy.
- School policies being out of date/wrong.
- Poor investigation.
- Undue delay.
- Inadequate decision letters to parents.

Developing an effective complaints policy

Developing an effective complaints policy is about more than just getting the documentation right. This is clearly important, but it is also about understanding your school community and implementing processes correctly and consistently.

Schools must establish a complaints policy that ensures fairness, transparency and efficiency in handling complaints. Getting staff and governors on board to invest time in developing a policy will ensure that the policy is forefront in the minds of those that are implementing it and is tailored to your setting.

Where to start?

- Understand the key legal requirements and streamline the process as much as possible. Stick to the three main stages required (for academies and independent schools): informal, formal and panel hearing.
- Ensure the policy is clear and accessible to all. It will help all stakeholders if it is easy to read and follow in practice.
- Include clear timescales for each stage.

- If developing a trust-wide policy, consider the schools within your trust and clarify any levels of engagement from the school's Local Governing Body and/or Trust board.
- Refer to the '[Best practice guidance for academies complaints procedures](#)' from the DfE.

Implementing the policy effectively

There are some general rules that we often provide to schools to assist with the effective implementation of a school's complaints policy:

1. Be consistent in your handling of Stage 1 complaints and in the escalation to Stage 2.
2. Take control and get the complaint onto the right track quickly. If it can be dealt with at the informal Stage 1, fine. But if the parent has been conversing with school via email and is making a more formal complaint, move it to Stage 2 – this sets out a framework for progressing the complaint and timescales so that expectations can be managed.
3. Think through the school's application of the whole process – you do not want to involve all key SLT members at Stage 1, as this will preclude them from being involved at Stage 2 and beyond if the complaint is escalated.
4. Keep accurate records of how a complaint is handled, even at the informal Stage 1.
5. Try to identify the outcome or resolution sought by the parent and determine whether the school can provide that outcome under the complaints policy or at all. Typical outcomes will include:
 - 5.1. Written confirmation that all or part of a complaint is upheld in full or in part.
 - 5.2. An apology on behalf of the school or trust, where appropriate.
 - 5.3. A list of recommendations or changes that the school will implement as a result of the complaint.

Note: It is not possible to award financial compensation via the complaints policy or procedure. Schools should take advice if it is likely that upholding a complaint could lead to a legal claim being brought against the school.
6. Communicate with colleagues at Trust level, as required. Often there are central teams that can support with complaints and data protection issues. Their involvement could assist with de-escalating or resolving complaints.
7. Provide regular [training and awareness sessions](#) for staff involved in the complaints process. This will highlight the importance of following the published policy and procedure, ensuring that staff know how to put policy into practice.
8. Recognise a complex complaint and clarify the strands that can be dealt with under the complaints policy. For example, live/current safeguarding concerns should be dealt with under the Child Protection and Safeguarding Policy; exclusion appeals should be handled in line with the Behaviour and/or Exclusions Policy. If matters are inextricably linked, take advice early so that you can get the various elements onto the right track and save time and resources.

Clarity on the process

Stage 1:

An appropriate member of staff will need to respond to a concern or complaint raised by a parent in a timely fashion and in line with the published complaints policy. Usually, it is helpful to hold a face-to-face discussion so that parents feel heard and follow up after the meeting with a letter or email to confirm what was discussed and any action to be taken.

Stage 2:

A formal written complaint is received by the school, which should be acknowledged promptly in writing. The starting point is to clearly communicate the complaints process to parents. Schools should include a link to the school's complaints policy at this point and confirm that the matter will be dealt with at Stage 2. It is helpful to provide a step-by-step guide to explain what happens next:

- Who will investigate.
- Whether and when parents will be contacted for a meeting or telephone call.
- Who will provide a response and by when.
- How the matter might be resolved.

This initial communication to parents will form the basis of any instruction to the person appointed to investigate the complaint on behalf of the school. If you do not have all necessary details available at the time of writing the initial response, a follow up communication should be sent to confirm.

Timely and detailed communication with parents can avoid escalation or further complaint about the school's handling of the matter.

Appointing a person to investigate

Refer to your complaints policy in the first instance, which should set out who should arrange and conduct an investigation. The person appointed to investigate should have the requisite skills and time available to conduct a thorough investigation and should not have had any prior involvement. It may, on occasion, be appropriate to engage an independent external person to carry out the investigation into the complaint on behalf of the school or to review the investigation report and decision letter.

It is advisable for the investigator to produce an investigation report to include (amongst other things) confirmation of the documents reviewed and individuals interviewed as part of the process. The report should set out each element of the complaint and include factual findings and recommendations in relation to each so that the decision-maker can make an informed decision.

The decision letter should contain a detailed explanation of the process undertaken at Stage 2, summarise the complaint and should broadly reflect the content and findings of the investigation report. Where there is more than one complaint, each complaint should be dealt with under a separate numbered heading.

Conclude whether each element of the complaint is upheld in full, in part or not upheld and provide sufficiently detailed reasons for this decision. Detailed decision letters can reduce the risk of further escalation, as parents feel that their complaint has been heard and properly considered.

Where a complaint is upheld, set out what recommendations the school is required to undertake and any anticipated timescale for completion where possible. A recommendation can be offered even if the complaint is not upheld.

There will always be a risk that the complaint will be escalated, but the aim is to de-escalate complaints where possible and to focus on preserving the vital relationship between the parent and the school in the best interests of the child.

Stage 3:

The scope of the complaint should not change between Stage 2 and Stage 3. If there are other elements that parents wish to complain about or 'add' to their complaint, these should usually be considered as a separate complaint.

New complaints must be dealt with from Stage 1 of the complaints policy. An element of professional judgement may be required here when the boundaries are not entirely clear. Panels should be clear on their role in the process, which is to review the process adopted to date and although it does have the discretion to review aspects of the complaint as it sees fit, the panel's role is not to review any new complaints, investigate further, redo any of the earlier stages in the process or consider evidence unrelated to the initial complaint.

Panels are required to be made up of two current Governors and one person who is independent of the management and running of the school. When forming a Stage 3 panel, consider the skillset of those on the board and who would be best placed to consider the complaint. The panel members should have had no prior involvement with the complaint.

Parents should be reminded of the right to be accompanied to the meeting by a friend, relative or interpreter. If there is a need to organise a remote panel hearing, the reasons and arrangements should be clearly explained to all concerned and time set aside for an early login to ensure all parties are able to fully participate in the meeting.

Parents may choose to take their complaint externally either before, during or after exhausting the school's internal complaints policy and there may be occasions when it is appropriate to pause the complaints process to allow external processes to conclude before resuming.

Prioritisation of complaints

All qualifying complaints should be handled fairly and efficiently. If a school is overwhelmed with complaints, it may be useful to have a method to assess the severity or seriousness of a complaint and to prioritise complaints that involve potential harm, urgency and/or impact on learning or the learning environment. This assessment process is not a legal requirement, but rather a tool that could be used to help deal with the volume of complaints from parents and ensure that an appropriate and timely response is provided.

Note: Qualifying complaints are those that come from a person entitled to complain to the school and to use the school's complaints policy, which is suitable to be dealt with under the complaints policy and does not amount to a repetitious or vexatious complaint.

Schools could consider triage methods for dealing with complaints, for example the use of a system where urgent matters receive immediate attention, while less urgent complaints follow the structured timeline within the policy document.

Various stakeholders may need to be involved in any triaging process to ensure comprehensive evaluation of each complaint, which is why a clear process with key roles and responsibilities explained is invaluable.

If schools can establish and implement an effective complaints policy to deal with the majority of parental complaints, then this will assist with the time, resourcing and teacher wellbeing considerations that are of current concern in the sector.

Contact

Vicky Wilson
Senior Associate

vicky.wilson@brownejacobson.com

+44 (0)3300452901

Related expertise