

LONDON BOROUGH OF BARKING AND DAGENHAM

CHILDREN'S SERVICES

SCHOOLS COMPLAINTS PROCEDURE

Revised from 1st August 2012

Summary Procedures for Schools

BACKGROUND INFORMATION

The London Borough of Barking and Dagenham has been a pilot authority for the Local Government Ombudsman (LGO) schools complaints service since 2010. The Department for Education has now advised local authorities that, with effect from July 31st 2012, it intends to close the LGO schools complaints service and also to implement section 45 of the Education Act 2011 thereby removing from local authorities their duty to consider complaints about the curriculum, sex education and religious worship in maintained schools.

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the LGO or the local authority should be addressed to the Secretary of State for Education.

As an immediate consequence all schools will need to review their existing complaints procedures and make some modifications to accommodate the new system.

The Children's Services Department has promoted the use of the Department for Education (DfE) School Complaints Procedure (link below) to all schools in the borough and schools and governing bodies are reminded that they have a legal duty to:

- Have a robust and accessible complaints procedure
- Publicise the procedure to parents and others who may wish to make a complaint

The DfE guidance remains valid and continues to be the boroughs recommended model for the in-school stages of complaint handling. However, school complaint procedures will need to be modified to accommodate the changed arrangements at stage 4 – i.e. where a complaint is escalated beyond the school's governing body.

This document provides a summary of the stages and timescales that the borough would expect to see reflected in revised individual school complaint procedures.

Summary Procedure

Schools complaints procedures generally have three in-school stages:

- Stage one: complaint heard by staff member (although not if they are the subject of the complaint);
- Stage two: complaint heard by head teacher;
- Stage three: complaint heard by governing body complaints panel

Complainants also have recourse to a fourth, external, stage by making a complaint directly to the Secretary of State.

The Secretary of State will exercise discretion in deciding whether or not to pursue a complaint and, as a general rule will:

- Refer a complaint back to a Governing Body if it has not been afforded a reasonable opportunity to consider it;
- Not investigate complaints which are clearly vexatious or have no merit;

- Not investigate complaints about matters that occurred more than 12 months ago.

The Local Authority has no formal role in the handling of school complaints for Barking and Dagenham Schools from 1st August 2012.

Stage	Recommended maximum timescale for response
Stage 1 – Complaint heard by class / subject teacher or manager	10 working days from receipt of complaint
Stage 2 – Complaint heard by head teacher	10 working days from receipt of complaint
Stage 3 – Complaint heard by governing body	20 working days from receipt of complaint
Stage 4 – Secretary of State for Education	Timescales to be advised in guidance from Secretary of State

Vexatious complaints

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed at school level.

This does not preclude a complaint being escalated to Stage 4. The Secretary of State will make an independent judgement about each case.

Action required

All head teachers and chairs of governors are asked to arrange for complaints procedures to be reviewed and modified accordingly to ensure that:

- They are in line with the borough recommended procedures and timescales
- They clearly acknowledge the role of the Secretary of State at Stage 4 of the process.

Useful Links

The DfE model School Complaints Procedure can be found at this link

<http://www.education.gov.uk/schools/leadership/governance/a0060895/complaints-procedure-toolkit>