

DFE Complaints Model Policies and Best Practice Guidance January 2019

Helpful Hints and Frequently Asked Questions

Download the full document - Best practice guidance for school complaints procedures 2019 at

<https://www.gov.uk/government/publications/school-complaints-procedures>

We strongly recommend that you download the document and read in full before adopting the model policies in your governing boards.

Helpful hints:

1. The DfE have produced these policies to be adopted by all maintained schools. “While DfE’s expectations are that schools will adopt our best practice recommendations, schools can apply alternative processes if they have good reason to.”*
2. The guidance document suggests that you use governors from other schools on your panels. The DfE uses the term “co-opted” governor. Please note that these references do not mean that only Co-opted Governors can be used, but that any category of governor from another school can be used on the panel. You are advised to have an arrangement in place with another school where governors can support one another on panels.
3. We strongly recommend that you agree a small number of governors (4 would be the ideal number) are appointed to serve on the complaints panel at the first governing board meeting usually held in September. It is NOT the role of the clerk to choose the governors that serve on this panel. Also, if you do not have any governors to fulfil this role and cannot find any governors from other schools the cost of the Local Authority officers time to find suitable governors will be charged to the school.
4. If the complaint is regarding the whole of the governing board the NYCC Governance Unit will continue to provide support but this will be part of the traded support for schools. The Governance Unit will support LA clerks providing advice and guidance as always. However, the advice to private or school based clerks will be a traded support and will be at a cost to the school.

If you have prior arrangements with neighbouring schools, you will find it much easier to manage such complaints. If you require the Governance Unit to source an external panel, as above, it will be traded work at cost to the school.

5. Please contact the head of the clerking service for information on the role of the LA clerks in the complaints process.

FAQ's

1. *How have the DfE model policies changed compared to the old NYCC model policy?*

The DfE have proposed that the system for school complaints is streamlined and now has only two stages instead of three. This means that after the Headteacher has investigated the complaint the complainant can now request to go to the panel of governors for the second stage which will be the panel hearing.

If the complaint is about the Headteacher the complaint goes to the Chair or Designated Governor and then onto the panel if necessary.

2. *Are there any other significant changes?*

- The DfE have added some clarity to the list of issues not covered by the school complaints procedure including the national curriculum.
- The DfE have now clearly stated that they would regard a time limit of three months to be reasonable for a complaint to be made. This time limit must be applied sensitively and individual circumstances should be taken into account.
- The keeping of all records is the responsibility of the Headteacher. It will be the Head who will be expected to provide all information to the DfE in the event of the complainant referring the case to them.
- As mentioned above, schools are encouraged to use governors from other schools for their panel. Please note this is the responsibility of the FGB and not the clerk.
- The chair to the panel must be agreed before the panel hearing.
- The role of the panel is now to “consider the complaint afresh” rather than review the process in isolation.*

3. *What is the role of the clerk?*

The clerk will only get involved at the second stage.

When the complainant writes to the school to request a panel hearing the clerk should acknowledge receipt of the complaint, then contact the named governors and complainant and agree a date, time and venue for the hearing. The clerk will then send out the enclosures provided by the headteacher or chair and complainant, attend the hearing and take notes. They will also provide procedural support in the

hearing; help the panel by typing the response and forwarding the response to all interested parties.

They will not find or source panel members, get involved in correspondence with the complainant apart from on matters of procedure or get involved in the decision making on the panel's behalf.

Please note if you have a NYCC LA Clerk, the handling of a complaint is not part of the service level agreement and incurs an extra cost. Also, it is the school's responsibility to ensure that any correspondence concerning the complaint is forwarded to the clerk at the earliest opportunity to ensure that the school can meet its deadlines for responding.

4. What happens if we have no suitable governors for our panel?

Please see above.

It is the responsibility of the FGB to appoint three independent governors for the panel. We strongly recommend that you develop suitable collaborative arrangements with other schools to assist with this process and that you appoint panel members in the first Autumn term meeting of the FGB.

The NYCC Governance Unit can assist in the process of finding governors for the panel but please note that this work must be booked through NYES and will be charged to the school.

The clerk will not get involved in the process of appointing panel members.

5. What other preparations do we need to do in advance?

a) Governors should review the policy and timescales regularly and should ensure the policy is available to parents in school and also on the school website.

b) Governors should ensure that any members of staff in school understand what they should do if they receive a complaint. Staff governors cannot be on complaints panels.

c) It is strongly recommended that **at least** one member of the Panel has completed complaints training

6. What should we do now?

All maintained schools should now download the two new model policy documents at <https://www.gov.uk/government/publications/school-complaints-procedures>

We strongly recommend that you read these documents; put them on the agenda for your next FGB and adopt both policies as soon as possible. Remember to personalise the model policies to your school and add suitable timeframes. We would suggest that you retain the existing deadlines of 5 days to acknowledge complaints and 20 days to complete the response.

If you have any questions the DfE have provided a helpline 03700 000 2288
or they can be contacted using the DfE's contact form
or by writing to them at:
School Complaints Unit
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

*DfE Best practice guidance for school complaints. Jan 2019.

The NYCC governance team provide regular training on school complaints and strongly recommend that all headteachers, chairs and designated governors attend this training.