

# Parents' and Young People's Complaints about Schools

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This research report was commissioned before the new UK Government took office on 11 May 2010. As a result the content may not reflect current Government policy and may make reference to the Department for Children, Schools and Families (DCSF) which has now been replaced by the Department for Education (DFE).

The views expressed in this report are the authors' and do not necessarily reflect those of the Department for Education.

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## Disclaimer

This research was commissioned and completed in 2010/11 but the finalising of the research report was subject to postponement. While this report seeks to represent the policy context at the time of publication, it should be read in the context of ongoing developments in relation to education and schools policy.

# 1.0 Introduction

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In October 2010, Ecorys (formally ECOTEC) was commissioned by the Department for Education (DfE) to conduct research into parent's and young people's complaints about schools that involve an individual child. The study incorporated an evaluation of the complaints service managed by the Local Government Ombudsman (LGO) and which covers 14 local authority (LA) areas. This report represents the findings from research undertaken between November 2010 and March 2011.

## 1.1 Background context

The Department encourages complainants who are seeking to resolve issues affecting an individual child to do so at a school level in the first instance. In the main, schools and parents work well together in resolving issues. The existing arrangements at a local level in England are covered by section 29 of the *Education Act 2002*. This requires that all governing bodies of maintained schools establish procedures to deal with complaints relating to the school, and make arrangements to publicise it. How schools choose to do so is up to them. In practice, most schools follow a staged model of complaints handling, as recommended in national guidance from the Department<sup>1</sup> involving:

- Informal resolution
- Head teacher involvement
- A formal hearing by the governing body

Local authorities are currently required to adhere to section 409 of the *Education Act 1996*<sup>2</sup>. This requires that they make arrangements to consider any complaint about the curriculum and collective worship where the school or its governing body have acted or are proposing to act unreasonably in relation to the exercise of a power or the performance of duty, or have failed to discharge a statutory duty set out in relevant enactments. Beyond this however, local authorities have no legal obligation to investigate the substance of a complaint regarding an individual child, and no powers of direction. Some local authorities try to resolve issues locally and offer advice and mediation, but others do not and will instead refer back to the school or advise the complainant to approach the Secretary of State for Education.

Having exhausted local avenues if the parent, or pupil, remains unsatisfied they can contact the Secretary of State and ask him to consider the issue. The Secretary of State has many powers and duties in relation to schools and the education system. Under sections 496 and 497 of the *Education Act 1996* he must satisfy himself that a school is or is proposing to act unreasonably in the exercise of its powers, the performance of its duties or has failed to discharge a duty at all. If so, the Secretary of State can give a direction to the school as to the exercise of the power or the performance of the duty as appears to be expedient. The powers and duties here refer to only those set out in the *Education Acts* and unreasonable here is given its legal meaning, that no reasonable school would have acted in this way.

<sup>1</sup> DCSF (2007) School Complaints Procedure

<sup>2</sup> This duty will be repealed when section 45 of the *Education Act 2011* is commenced

In 14 local authority areas from 2010, an independent complaints service, delivered by the Local Government Ombudsman (LGO) replaced the role of the Secretary of State. Further details on the origins and current status of this service are provided in Section 1.1.1 and 1.1.2 below.

Alongside these arrangements, there are a number of other routes of redress for parents in respect of other school issues. Ofsted has powers under section 160 of the Education and Inspections Act 2006 to investigate complaints which affect the whole school including concerns about the quality of education provision; low levels of pupil achievement, that the school is not well led and managed, or is not using its resources efficiently. There are also a number of specialist independent panels and tribunals which provide a route of redress for parents in respect of specific issues such as admissions and permanent exclusions. A First Tier Tribunal also takes referrals concerning Special Educational Needs (SEN) or disabilities.

Figure 1.1 overleaf provides a map of the different stakeholders and agencies, and their responsibilities.

### 1.1.1 Chronology of Policy Developments

The arrangements for handling parent and young people's complaints about schools have been the subject of change in recent years. An independent review of bullying in schools by the Children's Commissioner for England (2007) provided a seminal account of the existing system, drawing upon a broad base of consultations. Whilst the review found that complaints were routinely addressed by schools on an informal basis with much success, it was more critical of the formal channels at parents' disposal, which were found to be lacking in '*... transparency, accountability and effective redress*' (p.6).

The report also drew upon case study evidence from a national educational helpline<sup>3</sup> to highlight the possible negative consequences of poorly handled complaints. These included:

- the breakdown of home-school relationships;
- loss of parental trust in the system;
- avoidable disruption to the child's education, in the event of prolonged periods of the child being withdrawn or excluded from school; and, occasionally
- physical or emotional harm, in the event that the underlying issue (such as bullying) goes unaddressed.

The report made recommendations to introduce a 'right to hearing' before a governor's committee, with support from an Independent Presenting Officer, and to consider the need for additional legislation to replace the role of the Secretary of State with an independent complaints panel.

The 2008 report on pupil behaviour by Sir Alan Steer made recommendations for strengthening arrangements for handling parents' complaints where they cannot be resolved by the school whilst the report by the House of Commons Public Administration Select Committee, *When Citizens Complain* (2008), identified the need for wider reform of the current system of public service complaints handling as part of a wider set of proposals for improving the accountability of public services.

<sup>3</sup> The Children's Legal Centre.

**Ofsted**

Complaints about the whole school (not an individual child), where there is no alternative statutory route, and if the complaint relates to an area covered by Ofsted's remit (*Education and Inspections Act 2006, Section 160*)

**Schools**

Governing bodies of all maintained schools must establish and publicise a school complaints procedure (Section 29 of the Education Act 2002)

Potential types of complaints handled internally (not an exhaustive list):

- Bullying
- Temporary exclusions
- Behavioural issues
- Uniforms and school policy
- Internal management and organisation
- Special Educational Needs (SEN); without a statement

Staff grievances and disciplinary procedures fall outside the remit of the procedure

**Secretary of State for Education**

Complaints can be made to the Secretary of State, if a person believes that a governing body or Local Authority is behaving "unreasonably", or has not carried out its statutory duties (Sections 496 and 497 *Education Act 1996*). Any instruction would need to be legally enforceable (e.g. via a court order).

*NB: the Secretary of State also has powers to instruct academies, if they are not meeting statutory obligations, or if they are in breach of their funding agreement.*

**Local Authorities**

Local Authorities are required to set up a procedure for hearing complaints about the following (Section 29, *Education Act 2002*):

- Curriculum matters
- Collective worship

LAs have no legal obligation to resolve other complaints relating to an individual child, and **no powers of direction**. They can advise the complainant to approach the Secretary of State or contact the school again asking them to reconsider their complaint. However, some LAs may choose to offer advice or mediation services.

**Specialist appeal panels**

**First Tier Tribunal**  
The Tribunal takes referrals for complaints relating to the following:

- Special Educational Needs (SEN) provision, with a statement
- Disabilities

**School admission and permanent exclusion appeal panels**  
Separate referral arrangements are in place for complaints relating to:

- Admissions
- Permanent exclusions

In 14 LA areas

**Figure 1.1 Statutory framework for handling parental complaints in England**

**LGO**

The Local Government Ombudsman (LGO) can consider complaints about some aspects of Local Authority provision, including the following:

- Home-to-school transport
- Local Authority commissioned services for SEN pupils
- Administrative arrangements of admissions & exclusions appeals panels
- Admissions functions of school governing bodies (Section 25 of *Local Government Act*)

The LGO *cannot* consider complaints relating to curriculum matters, or schools' internal policies / management



### 1.1.2 The Independent Complaints Service

The Apprenticeships, Skills, Children and Learning (ASCL) Act 2009 received Royal Assent on 12 November 2009, and gave the Local Government Ombudsman (LGO) new powers for considering complaints against a school by pupils and parents of a pupil. This independent complaints service replaced the role of the Secretary of State in 14 LGO service areas.

These new responsibilities were introduced through phased roll out from April 2010. By September 2010 the LGO was responsible for investigating complaints in the following 14 local authorities:

**Table 1.1 local authority areas where the Independent Complaints Service operates**

1. Barking and Dagenham	8. Hillingdon
2. Cambridgeshire	9. Kent
3. Medway	10. Kensington and Chelsea
4. Sefton	11. Lincolnshire
5. Bristol	12. Portsmouth
6. Dorset	13. Sheffield
7. Hammersmith and Fulham	14. Wolverhampton

The coalition Government announced in the schools White Paper, The Importance of Teaching (DfE, 2010), their intention to repeal the LGO service and to restore the Secretary of State's power to consider school complaints. The repeal is a reflection of a wider policy shift that will see greater freedoms for schools, and a reduced level of national intervention in school affairs. It also comes alongside reforms to SEN, and to the handling of complaints about teachers. The LGO service will therefore be repealed by Section 45 of The Education Act 2011, when it is commenced. The service will continue to operate in the current 14 local authority areas until the Department for Education has introduced new procedures for handling complaints.

### 1.1.3 Aims and objectives

This research was commissioned around the time of the repeal of the LGO service. Its focus is to examine the 'bigger picture' of complaints handling where issues affect an individual child, to examine the number and different types of complaints and to take a wider view of what works well / less well in complaints handling in maintained schools in England. Specifically, the objectives were to:

- Assess the awareness and accessibility of the new complaints service including what has worked well and less well;
- Produce findings into what a good complaints mechanisms looks like including in non LGO service areas;
- Produce findings on what complainants would like to be achieved;
- Produce findings into what parents, pupil, schools and local authorities find useful in a good complaints mechanism;

- Assess the effectiveness of the new system compared to current practices;
- Assess how the new service has investigated the complaint (depending on restrictions on information sharing) including transparency, speed of resolution, how schools and complainants are kept involved, extent of use of disadvantaged groups and cost per complaint;
- Evaluate processes and practices at school and complaints service level including:
  - ▶ Evaluating school performance and compliance and where this may differ, what is critical in ensuring acceptance and compliance with LGO decisions and does it lead to service improvement through implementation; and
  - ▶ Experiences of schools and complainants
- Assess the interface between local authority, school and new service;
- Report on feedback on decisions and understanding of communications material;
- Evaluate service design suggestions taken from the findings.

## 1.2 Research methodology

The approach to evaluating the LGO service and conducting wider research into complaints handling comprised a number of strands:

- **Familiarisation and desk research:** a focussed desk-based review of policy and research literature was undertaken at an early stage in the study. The purpose was to profile the statutory arrangements for complaints handling within the education sector, and to scope any previous independent research and evaluation evidence on this subject. This was a short and non-systematic review of the literature based on Government Social Research (GSR) guidelines, lasting one week, covering only publicly available reports, and using simple keyword search-chains (such as parent\* and complain\* and school). Forty five documents were found, of which 21 were found to be directly relevant to the study and further information was extracted for use within the report. There has been comparatively little research undertaken on the subject of parental complaints and schools in England, but the subject has been a secondary focus within previous evaluations.
- **Analysis of correspondence to the Secretary of State:** A desk-based review was undertaken of two (separate) samples of correspondence sent by the public to the Secretary of State during the 2009/10 year.
  - ▶ First, a sample of 200 separate exchanges was drawn at random from the 2009/10 correspondence dataset managed by the DfE Public Communications Unit (PCU). From this, the number of cases involving a complaint against a school (centred on a specific child) was counted. The aim was to provide an approximate frequency of the number of complaints received by the Department per annum; the Department had previously estimated that 2000 exchanges were received each year.
  - ▶ Second, a separate - purposive - approach was used to identify a smaller sample of 100 correspondence exchanges from 2009/10. This allowed for a more in-depth examination of the nature of the complaint, the use and relative effectiveness of school level processes, and the response of the Secretary of State. These 100 cases were selected from the full sample by analysing the database using key word searches in the correspondence summary field (e.g. complain\*. concern\*).

This exercise was intentionally narrowly focused on the written correspondence received in response to the Secretary of State's complaints handling route. It was beyond the scope of this research study to undertake a more comprehensive review of all processes and activities undertaken by the Department in respect of complaints handling, although a description is provided of some of these activities where appropriate. The absence of this evidence should not be interpreted as a weakness of the Secretary of State complaints handling route.

- **Stakeholder research:** A programme of stakeholder interviews was conducted to gain an overview of complaints handling, to explore the existence of any other relevant data sources and to gather wider perspectives of the role and operation of the LGO service. The interview schedule comprised the following:
  - ▶ A set of 15 semi-structured telephone interviews was conducted with key stakeholders working at a national level, lasting 30-45 minutes. This sample included a cross-section of educational support agencies and umbrella organisations, teaching unions, agencies with a statutory remit for complaints handling, and independent organisations with a remit for SEN, disabilities, and child and family law.
  - ▶ A further set of 20 semi-structured telephone interviews were completed with local authority representatives, including all 14 areas within the LGO national complaints service and a smaller number from outside of the service area to gather evidence on the local authority role in complaints handling and the assess the implementation of the LGO service. These also lasted around 30-45 minutes.
  - ▶ Finally, interviews were conducted with LGO staff with responsibility for managing and delivering the new complaints service, including strategic managers, investigators and helpline staff; and with representatives from the Department with a remit for complaints handling, including from the relevant policy teams and the Public Communications Unit (PCU).
- **Survey data collection:** A small scale survey of schools<sup>4</sup> was undertaken to gather data on the number and type of complaints and to capture evidence on complaints handling at school level. A full sample of all schools in England was requested from Edubase<sup>5</sup> and sorted to identify only maintained schools. Further sorting was undertaken to identify the four main types of schools which were of interest to the study: Primary, Secondary, Pupil Referral Units and Special Schools. A sample of schools was drawn within these categories in line with nominal quotas. In total, a sample of 750 schools was selected<sup>6</sup>. The fieldwork period ended in April 2010, at which point 124 responses were collated and analysed.
- **Parent research:** Two strands of parent research were undertaken as part of the study:
  - ▶ All complainants with a complaint registered with the LGO were invited to take part in an interview. A total of 32 telephone interviews were completed with parents whose complaints are ongoing or have been closed by LGO. These interviews sought to explore levels of awareness of and the motivations for, contacting LGO and complainant perspectives of the service and the outcomes achieved.

<sup>4</sup> The original proposal methodology included costs for a nationally representative survey of 3,000 schools in England as part of a separate data collection phase. The Department elected not to commission this phase, and the smaller survey has been designed for indicative purposes only, rather than for representative comment on national arrangements.

<sup>5</sup> EduBase is a register of all educational establishments in England and Wales, maintained by the DfE

<sup>6</sup> An introductory letter was posted to all schools in the sample in January 2010 inviting head-teachers or members of senior management teams to complete an online version of the survey. Schools who did not respond to this initial invitation were subsequently sent a paper version of the questionnaire and latterly contacted to complete the survey over the telephone using a Computer Aided Telephone Interviewing (CATI) system.

- ▶ An open 'call for evidence' was publicised using web-based and print media sources, to recruit parents with previous experience of making a complaint to their child's school in areas outside of the LGO school complaints service. A further 12 interviews captured evidence on parents' experiences and perceptions of the effectiveness of the existing processes for complaints handling at a school level.
- ▶ Parents were reassured of the confidentiality of the research, which was particularly important where a complaint was ongoing. In these cases, parents were asked at the end of the interview for permission to be re-contacted or 'tracked' to allow the research to return to them to capture data on any significant developments in the case and/or the resolution and outcomes from the complaint.
- **Case study research:** In order to capture a more rounded picture of complaints handling (both LGO school complaints service and outside); consent was sought from parents within the interview sample to speak with other parties involved in the case. Principally this involved subsequent semi-structured interviews with school or governing body representatives, practitioners and in a small number of cases young people. A judgement was made whether to propose a young person interview based on the sensitivity of the case and the potential emotional impact, with informed consent obtained from the parent for children aged less than 16 years, and directly from the young person. A total of 8 case studies were produced in this way.

The research design lent itself to the reporting of both positive and negative accounts. However, there was an overall skew towards negative accounts from parents/carers. Those cases progressing to the stage of LGO intervention had exhausted the school route and parents were therefore inevitably frustrated with the handling of the complaint up until this point. Moreover, those parents responding to the open call for evidence typically sought to express frustration with the existing system rather than to report a satisfactory experience. The case study approach of following-up with representatives from the school helped to re-balance the more negative accounts in a number of instances, although this does not entirely address the problem of bias. The evaluators have sought to make proportional use of negative accounts within the body of the report, and we have triangulated between these accounts and the stakeholder interviews and survey evidence when reaching the final conclusions to provide a wider, strategic perspective.

It should be noted also that far less information exists about complaints handling services other than that operated by the LGO. The research design for this study also focused specifically on assessing this service, so greater direct evidence from parents and schools is presented in respect of this service as opposed to the handling of complaints by the Department.

### 1.3 Structure of the report

The remainder of the report is structured as follows:

- **Chapter 2** examines the evidence in respect of the scale and nature of complaints affecting an individual child and describes the process and procedures in place at different levels to handle complaints;
- **Chapter 3** presents the experiences of complaints handling, from the perspectives of those who have been involved;
- **Chapter 4** presents findings from the analysis of the Department's correspondence;

- **Chapter 5** provides an assessment of the new complaints service delivered by LGO, covering its design, implementation and added value
- **Chapter 6** examines the impacts and outcomes from complaints, for parents, pupils and schools; and,
- **Chapter 7** summarises the conclusions drawn from the evidence at this stage of the research.

Annex One includes a Bibliography for the report, and summary information for practitioners is presented in a companion report

## 2.0 Complaints Handling in England

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This chapter draws together the evidence for what is known about the numbers and type of complaints about school issues affecting the individual child. It also examines complaints handling in England providing a sense of the type and range of activities undertaken by schools, local authorities and the Secretary of State. The findings presented here are based on evidence from the school survey, interviews with local authority representatives and other stakeholders.

### 2.1 Types and numbers of school complaints – a snapshot

Section 29 of the Education Act 2002<sup>7</sup> does not require schools to record either numbers, types of outcomes of complaints. In practice, however, schools are keeping records to a varying extent. The survey of maintained schools conducted for this study found that:

- nearly half of the schools (51%) were systematically recording all complaints (both informal and formal);
- a further 27% were recording most complaints, although they acknowledged some under-recording of informal complaints was likely;
- just under a fifth (19% or 24 schools) were not systematically recording informal or minor complaints.

Local authority stakeholders reported that their involvement in complaints handling varies (see section 2.2), and typically records are only kept where they are directly involved in complaints handling. Any data held by schools or local authorities, however, is not reported or collated beyond the local level. The Department, for example, does not currently collect data from schools or local authorities. Combined with a lack of detailed research undertaken with schools on this topic, there is little evidence of the true volume of parental complaints in England. In order to establish a more accurate picture this study sought to triangulate between a number of data sources to present some estimations of the scale and nature of parental complaints.

#### 2.1.1 Numbers of complaints

In the absence of a central source of data, the survey of schools provides a useful source of information on the numbers of complaints made to schools<sup>8</sup>. Overall, the survey data suggests that at the level of individual schools, the number of complaints per annum is generally low as a proportion of the pupil population. Across the last two academic years (2008-09 and 2009-10) between one quarter and just over one third of the schools who responded to the survey reported no complaints (26% in 2009-10 and 37% in 2008-09). Where schools reported having received complaints, it was predominantly only one or two in each academic year. For example, in 2009-10, 27% or 33 schools reported no more than 2 complaints. The same proportion (27%) reported no more than 10 complaints in the most recent academic year. It was not possible to establish from the survey whether these were separate, independent complaints or a series of complaints about the same issue.

<sup>7</sup> This section of the Act covers the requirement for Governing Bodies of a maintained school to establish and publicise a complaints procedure.

<sup>8</sup> It should be noted that data in this section is based on the full sample of schools who responded to the survey which included variation in the reporting definitions and processes.

The data for the previous academic year represented a similar trend. There were exceptions, however, where a greater number of complaints were reported. One primary school reported 25 complaints in 2009/10 and another secondary school reported 65 complaints. Calculation of the rate of complaints using pupil population as a denominator suggests that on average schools in the survey reported receiving 1 complaint per 100 pupils per year. There were some exceptions to this across all types of school:

- Amongst secondary schools, the survey data suggests that in one school 13 complaints per 100 pupils per year were received and in another 7 complaints per 100 pupils;
- There were exceptional examples (4) where primary schools reported 4 or 5 complaints per 100 pupils per year;
- Over half of maintained nursery schools reported a rate that was higher than the average rate for all maintained schools; in one case 9 complaints per 100 pupils per year.

This data can be used to provide a broad estimate of the total scale of school complaints across England. Assuming in the two thirds of primary and secondary schools where there is an average of one complaint per 100 pupils in that school per academic year, this would equate to an estimated 48,969 complaints in 2009/10<sup>9</sup> across the whole of England. This figure is purely illustrative, given the small and unrepresentative sample of schools on which the calculations are based.

The availability of other data sources to triangulate with the above is limited. The following provides an overview of the main (known) sources of information about complaints, beyond the school-level estimates.

**The Secretary of State for Education** handles a considerable volume of correspondence, of which a proportion relates to parental complaints about their child's school. An analysis of a random sample of 200 correspondence exchanges from 2009/10 provided to Ecorys by the Public Communications Unit (PCU) found seven cases (or 3.5%) which related to complaints or concerns about individual schools. Using figures on the total volume of correspondence received by the Department in 2010/11<sup>10</sup> this equates to an estimated 2,922 pieces of correspondence raising concerns or complaints about issues affecting individual schools.

**Ofsted** also gathers data about school complaints; although their remit is primarily concerned with 'whole school issues' (refer also to Figure 1.1 previously). Ofsted data shows that approximately 1,400 complaints were made during the three quarters of 2010-11 for which information is available, of which 40% had a safeguarding element. Since the commencement of the service, there have been on average five complaints per month referred to the LGO from Ofsted, under the terms of the new service. These have mainly been from primary schools, and relate only to the 14 local authority areas in which the service operates.

Data from the operation of the **Independent Complaints Service** suggests that during the 13 month period from April 2010, the LGO received a total of 224 complaints from within the 14 local authorities, of which 129 were deemed to be investigable under the remit of the new service. A further 203 complaints were received from local authorities outside of the service.

<sup>9</sup> Data on total pupil numbers taken from Department for Education (2010) Statistical First Release- Schools, Pupils and their Characteristics. Calculated based on results from the school survey which suggest two thirds of schools have an average of one complaint per 100 pupils in that school.

<sup>10</sup> Based on data supplied by PCU in May 2011, some 83,489 pieces of correspondence received in 2010/11.

A number of organisations operate independent national help-lines covering educational (amongst other) matters. Two of these organisations; the Advisory Centre for Education (ACE) and the Children's Legal Centre (CLC) are known to receive school-related complaints and concerns from parents, and agreed to share their data for the purpose of the research. The headline findings were that:

- **ACE** estimates that approximately 6% of calls received to their educational advice line over the twelve month period up to the end of April 2011 related to complaints. This equates to a total of 709 calls, or approximately 59 per month<sup>11</sup>.
- **CLC** estimates that 75% of total calls have an associated issue about a school concern, although no specific categories are used that would make individual school complaints identifiable. This equates to approximately 150-200 calls per month.

It is hard to draw meaningful conclusions from these various sources of data, which differ in their definitions, format and scale. At a very basic level, the data from helplines appears to reinforce the view shared by most stakeholders – that the considerable majority of complaints are resolved at a school level without recourse to the involvement of external bodies, given that the proportion of calls received about complaints is relatively low in comparison to other issues. The helpline data also attests to the role played by independent organisations in supporting the minority of parents who have been unable to achieve a resolution in this way.

## 2.1.2 Types of complaints

There are currently no statutory school data recording requirements for parental complaints affecting the individual child. Neither does the Department gather complaints information for individual schools. Consequently, no national dataset exists to provide robust numbers for different types of complaints.

The data collection for this evaluation provides a further indication of the types of issues that have given rise to complaint, but must be treated as illustrative rather than representative given the small sample sizes<sup>12</sup>. Taken across the school survey, parent and stakeholder interviews and literature review, the issues most commonly reported involved bullying, special educational needs (SEN), teacher conduct, and exclusions.

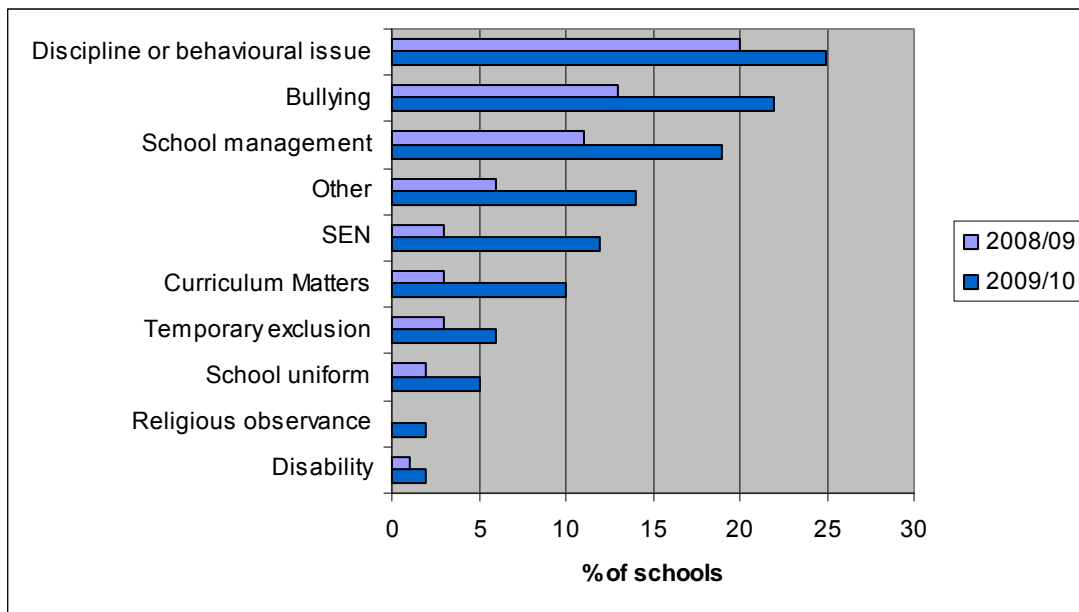
Looking specifically at the results of the school survey (Figure 2.1), just over a fifth of schools highlighted that in the 2009/10 academic year, complaints had been received about bullying (22%) and 25% about discipline or behavioural issues (including exclusions). Some 19% of schools reported complaints about internal organisation and management, while complaints about SEN were reported by 12% of schools. These issues were also most commonly reported as the subject of complaints in the previous academic year.

<sup>11</sup> The total call volume was 11,813 in the period April 2010 to March 2011

<sup>12</sup> As noted in the previous chapter, the Department elected not to proceed with a much larger national representative survey of 3000 schools, on the basis of available funds for the study.



**Figure 2.1 Nature of complaints recorded by schools in 2008/09 and 2009/10**



Source: School survey (n=124)

Evidence from stakeholders and parent interviews echoes these issues as common subjects of complaints but provide greater insight into the specific issues. Stakeholders working in the specific field of disability and SEN highlight that they expect complaints about SEN given the greater needs of those children and the emotive issues it can generate for parents:

*“There is an inherent likelihood that the levels of complaints will be greater than for the general population, because a child’s needs are more complex.”*

**(National Stakeholder)**

Where complaints were focused on SEN issues, it was commonly reported by parents and stakeholders that the complaint was made where the parent felt the school had failed to recognise the needs they perceive their child to have or equally that the school didn’t act quickly enough. It was additionally suggested by stakeholders that complaints relating to the way children with SEN are treated are most commonly an issue at primary school level or during the transition from primary to secondary school given this is the time when issues are most likely to emerge. The survey does not allow any analysis to substantiate this finding at this stage. A more isolated view was expressed by one stakeholder who suggested that, conversely, some complaints related to SEN were not made by parents with SEN children themselves but were complaints about a single child with SEN who was perceived to be affecting the well-being or education of the complainant’s children.

One senior member of staff at a Pupil Referral Unit (PRU) noted that complaints often arose in relation to transportation issues, because pupils might travel some distance to access their educational provision. Typical examples given included where parents had called to complain about bus or taxi provision arriving late. Off-site behavioural incidents, including misconduct or fighting between pupils on the way to the PRU were also cited.

A perceived lack of action by schools underlies a number of complaints by parents regarding other issues. Where the complaint was about bullying, for example, the complaint itself was concerned with the school not dealing with it. Where exclusion of a pupil was the focus of a complaint, stakeholders highlighted that this commonly related to a perception that the school was following its procedures too strictly without regard for the wider impact of exclusion rather than a direct rejection of the imposition of exclusion. Although stakeholders equally accepted that in some cases there is an element of parents blindly supporting their child, and not accepting their child's behaviour justified exclusion.

Where teacher misconduct was the subject of parents' complaints, stakeholders suggested that these were rarely serious allegations involving physical abuse, but most commonly about the relationships between pupils and staff for example pupils reporting that they are disliked or unfairly targeted by a teacher.

While these were the most common issues underlying the complaints made by parents, stakeholders highlighted the instances of secondary issues commonly being the subject of a formal complaint. Local authority stakeholders commonly report that complaints made to them are often due to parents thinking the school senior management staff are acting unreasonably or they relate to parents' concern with the way they are treated by school staff.

There were mixed views amongst stakeholders as to whether the type and nature of complaints have changed over time. Where this was felt to be the case, there was a perception that any increase in complaints was more related to secondary issues linked to a wider 'complaints culture' rather than a greater instance of bullying or exclusions per se:

*"People complain more it seems to me, and also they are not prepared to accept the judgement that's reached and will take it onto the highest possible level they can... They are going to pursue it until they get the answer they want, rather than the answer that the evidence produces".*

**(Local Authority Representative)**

*"Parents are becoming more litigious...and the common attitude that 'I'll sue you'. I don't think it's that there's a bigger problem, I think it's that more people are likely to complain".*

**(Local Authority Representative)**

The exception to this was a clear perception from a small number of stakeholders that of all the issues, there has been an increase in complaints regarding SEN or disability. This was perceived to be the result of greater awareness of disability discrimination legislation and the inclusion agenda amongst parents. The results from the school survey, however, do not substantiate this suggesting that schools do not perceive there has been any increase. The LGO have however noted a rise in the number of complaints related to the actions of local authorities.

### 2.1.3 Unmet need / barriers to complaining

The survey and interviews explored perceptions of whether some parents or young people might have concerns, but not feel able to approach the school to make a complaint. Whilst schools recognised the potential for some issues to go unreported by parents, this problem was generally thought by schools to be small scale and wholly manageable. Just over half of the schools responding to the survey (55%) did not consider that under-reporting of complaints was an issue. Slightly fewer (32%) thought that barriers to

complaining existed only "in a very small minority of cases". A few schools held the view that it was simply "impossible to tell" whether some parents were unwilling or unable to approach the school with complaints (11%).

Whilst schools do not consider under-reporting to be a significant issue in the vast majority of cases, parents and pupils can face a wide range of barriers to complaining. Their decisions about how and when to complain are often quite strongly affected by the relationships that they have with the school, and their expectations for the possible repercussions of complaining for them and their child.

There was recognition amongst stakeholders that some parents might face additional barriers to complaining. This was generally thought to relate to the following:

- low levels of personal confidence and self-esteem; particularly in situations where the parent might have SEN or low levels of basic skills; and / or,
- where the parent held previous negative experiences of dealings with the school either in relation to the individual child, or from their own childhood.

Whilst it was also recognised that parents with English as an Additional Language (EAL) would inevitably find it more difficult to access written information and communicate the issue giving rise to complaint; schools were generally confident that difficulties with complaining could be overcome through the provision of effective 'everyday' support in handling communications with the school. These included regular face-to-face contact with the family, opportunities to raise concerns verbally, and provision of interpretation and translation services. One school reported making significant progress in encouraging gypsy and traveller families to engage with the school on a range of issues, through the improvement of communication channels with the school over a period of several years. Whereas previously the school observed periods of pupil absence following concerns or tensions the families in question had become more willing to approach school staff directly, thus creating a climate where parents felt able to raise concerns or complaints.

The stakeholder research reinforced that parents of children with SEN and disabilities can experience additional barriers to complaining. The complexity of the SEN system was recognised to be challenging for parents, and a lack of parental knowledge about rights and entitlements was sometimes thought to undermine parents' confidence to speak out.

An issue was also identified around parental anxiety that complaining might affect their level of access to services. One school head teacher noted that parents were often "wary of making waves" for this reason. The same issue was highlighted in a separate qualitative study carried out by BMRB Social Research, with regard to parents' experiences of services for disabled children (Grant and Hamlyn, 2009). Parents identified a tendency to avoid complaining for as long as possible, due to fears of a negative impact on experiences of existing services. They had quite often "struggled" to gain access to support services in the first instance, and did not wish to jeopardise them by complaining, or have to go through the process again (p.20).

Previous research gives a further insight to parents' motivations and behaviours in relation to school complaints. The "Time to Talk" event research in 2009 was carried out simultaneously in three English regions, through which a total of 269 parents and practitioners were consulted. The participants cited the main barriers to complaining as follows:

1. concern that their child could be singled out,
2. a lack of information about how to make a complaint,
3. fear about themselves being labelled a "troublemaker" or a "problem parent";
4. a worry that the complaint would not be taken seriously,
5. being "patronised" or "talked down to" by teachers;
6. teachers taking the complaint personally, thus damaging relationships with the school; and
7. lack of the necessary skills to complain – e.g. English language, personal confidence, or "fear of authority".

An issue highlighted by the Opinion Leader study - particularly at early years stage - was that parents were unsure whether complaints could be made in confidence, which heightened their concerns about repercussions for their child. This indicates one area where additional transparency would be beneficial. The practitioner feedback suggested that there was sometimes a dual problem of "trepidatious" parents, who were very unlikely to complain, and regular complainers who tended to put schools on the "defensive" (p.64). Practitioners were also more sceptical that parents would complain if they needed to, than were parents themselves:

*"While many parents claim they would feel confident enough to complain if necessary, practitioners highlight that in reality many parents who would like to complain do not. Practitioners recognise that certain parents (i.e. those who are highly educated or who have strong opinions on education) are far more likely to complain than others"*

**(Opinion Leader, 2009, p.66)**

A qualitative study conducted by Sherbert Research (2009) provides further insights, based on focus group research with parents in seven English local authority areas. The research affirmed that complaining to their child's school can be a "nervous and uncomfortable experience", with the potential to make some parents averse to complaining. In some instances this meant that a complaint was only made when the issue reached a crisis point. The focus group discussions suggested that issues relating to under-achievement were more likely to be avoided for a longer period of time before parents would take action, than issues with more direct implications for their children's welfare (such as bullying or sexual assault). Poor communication and family tensions were also identified as possible factors leading to avoidance. Parents often felt communication to be easier and more transparent at primary stage, where there is more routine contact with the teacher, a less intimidating environment, and fewer negative parental associations with their own education.

Some tentative issues were identified in relation to gender. The report concluded that fathers do not always see it as being their role to complain, and / or they might lack knowledge about how to make a complaint if they have less routine contact with their child's school. Particular challenges were identified around working hours and school accessibility.

*"Dads in particular, may struggle to take time off to address issues directly with school and may come to the process 'cold' and ill prepared. Many do not feel equipped with the language or skills necessary to deal with the teachers and school."*

**(Sherbert Research, 2009 p.23)**

Pupils' motivations must also be taken into account with regard to possible barriers to complaining. Although only a few pupils were directly interviewed for the current study, the evidence from parents and schools suggested that pupils' anxiety about the repercussions of complaining could be a factor in parents not approaching the school at an early stage. These issues were particularly heightened where potential bullying was concerned. A previous qualitative study by the Institute of Education (Oliver and Candappa, 2003) showed similar findings. The study examined pupils' experiences of bullying, through a combination of focus group research and a quantitative survey (n=953 pupils). It found that pupils often valued a sensitive response, such as "keeping an eye" on their situation, and making a commitment to take action if the situation worsened (p.25). Pupils often reported a culture of frowning upon those who complained to adults about bullying issues, and these peer influences were often thought to be stronger than any efforts by the school to introduce a "blanket" policy of reporting all complaints; even if there was a strong official commitment to act upon them (p.26).

## **2.2 Policies and procedures – schools, local authorities and Government**

### **2.2.1 School level practice**

The existing arrangements in England for complaints handling at a school level are covered by section 29 of the Education Act 2002, which requires that all governing bodies of maintained schools establish a procedure to deal with complaints relating to the school, which must also be publicised. Evidence from the school survey, stakeholder interviews and literature suggest that these formal processes are in place in most schools in line with these requirements. Additionally, there is strong evidence that informal practices are also employed to address complaints or concerns before they leave the school. In effect, schools are following the 'model' procedure as per the national guidance from the Department<sup>13</sup> involving:

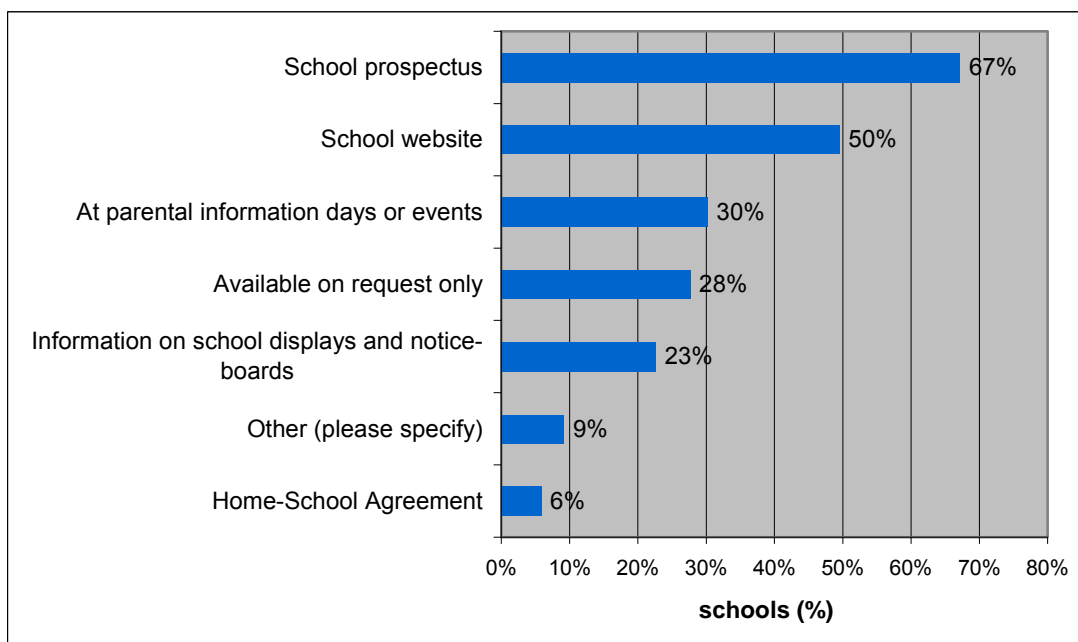
- Informal resolution
- Head teacher involvement
- A hearing by the governing body

In line with the requirements of the Education Act 2002, the survey revealed a majority of schools (96%) had in place a complaints procedure. Although only five schools in the survey sample, there were schools (two primary and two secondary schools in this case) and a PRU which section 29 of the 2002 Act applies to with modification which were not complying with the requirements Act i.e. they did not have a procedure in place.

The 2002 Act additionally requires a school's complaints policy to be publicised but does not specify the form of publication. The survey results suggest schools employ a range of mechanisms to publicise their procedures (Figure 2.2). In the main, schools are active in publicising the procedure either in the school prospectus (67%) or school website (50%). Additionally schools reported that they display the complaints procedure on a notice board or make it available at parent information days or events.

<sup>13</sup> DCSF (2007) School Complaints Procedure

**Figure 2.2 Mechanisms used by schools to publicise complaints procedures**



Source: School survey (n=124)

A little over a quarter of schools (28%) reported they only made the procedure available on request, highlighting a potential neglect of the statutory requirements to publicise their procedure. This is likely to be a key factor in any lack of awareness of the school’s complaints procedures impacting upon parents’ decision to complain. Stakeholders felt schools could do more to make it clear to parents how to complain. It was highlighted that even where schools do make their policy available, the complaints procedure may not be as readily accessible, for example it may be ‘buried’ on the school’s website. There was a perception among stakeholders that there remained a cultural issue with schools seeing complaints as reflecting poorly on them, rather than as a source of feedback to support continuous improvement. This was felt to underlie the potential reluctance on the part of schools to openly publicise their procedures or offer opportunities for parents to complain or provide feedback.

In the main, formal school complaints policies do not appear to deviate from the template issued by the Department. Most commonly, the policies reported by the majority of schools in the survey included details of how and when parents can state their case (87% of schools), how the school will acknowledge the complaint (95%) and how the school will inform the complainant about decisions taken (90%). To a lesser degree schools reported that complaints policies included an indicative timescale for the school dealing with the complaint (81%), the types of eligible complaints (57%) and alternative routes of redress if not eligible (68%). Over three quarters of schools (81%) reported having a dedicated staff member responsible for complaints handling. In the vast majority of cases, across all types of schools this was typically the head teacher of the school.

Beyond these formal procedures there was clear evidence of informal handling of complaints or concerns at school level. The requirement to have a complaints procedure did not appear to undermine efforts by schools to resolve concerns informally. Indeed the relatively low number of formal complaints recorded by schools (as reported in section 2.1.1) suggests that schools are routinely addressing concerns on an informal basis with some success, although without data on informal resolutions it is difficult to measure the extent of this. Nevertheless, this is an area that schools place significant emphasis in order to protect against formal complaints:

*“It is important that small issues raised by parents are dealt with in a more direct way, which prevents issues becoming “formal” complaints.”*

**(School Representative)**

In practice, schools are operating a multi-staged process to deal with informal concerns, characterised by contact between parents and different members of school staff in order of seniority. Typically, schools reported that class teachers or tutors are the first point of contact for parents. If issues are not resolved with class teachers, typically through informal discussions, these are then escalated with more senior school staff, such as deputy or head teachers. The following provides a case study example of how this process is managed.

**Table 2.1 Case example: Complaints handling at a school level**

The school has approximately 1,400 pupils on roll and 150-160 staff. The head teacher set in place a new complaints procedure upon taking-up post, which was based on previous experiences of handling complaints. The procedure is publicised in the annual parent handbook, and aims to provide an open opportunity for parents to express complaints or concerns of any kind, which are signposted accordingly.

There are three main stages, as follows:

- Stage One: Initial acknowledgement of the concern or complaint - at this stage, the parent is encouraged to speak to the member of staff concerned e.g. class teacher or form tutor, to resolve the matter informally if possible.
- Stage Two: Consideration by the head teacher– if the matter is still not resolved, the parent is asked to put it in writing to the head teacher, who exercises their discretion. Concerns are still taken seriously, but are delegated to line managers such as Heads of Year to address in the first instance. Complaints are assigned an investigating officer, who is always a member of the senior leadership team. The parent is informed in writing and the complaint is progressed through meetings, written and telephone contact as appropriate.
- Stage Three - Consideration by the chair of governors – if the parent wishes to protest the school's decision, they can write to the chair, who will review how the complaint has been investigated, and whether the judgement is reasonable. The complainant is informed of the outcome. Unless the chair finds that the school acted unreasonably, the complaint is closed. The parent is signposted to the Secretary of State if they wish to pursue this route.
- The school is quite large, and causes for concern are raised on a fairly regular basis. However, only 3 to 5 complaints are received each year that reach the stage of formal investigation. The head teacher felt that the transparency of the procedure, the ethos of the school in addressing and the immediate acknowledgement of all complaints were factors in maintaining a low number reaching formal stages.

There was some variation between different types of school in the chains of contact used to resolve complaints informally. Stakeholders reported that secondary schools had more staff levels to go through, which provided more chances for the issue to be resolved. For example:

- In a typical *secondary school* parents can contact tutors, heads of year, the pastoral team, assistant head or senior management team representative and then the head teacher.
- The typical size of *primary schools, nurseries or special schools* meant the chain was shorter, but stakeholders reported that the school was more likely to operate an 'open door policy' where parents were more encouraged to discuss any issues with teachers or senior staff. This approach was more likely to be facilitated by closer parent-school relationships and the greater contact parents have with schools.

In the main, informal face to face or telephone discussions were the main mechanism for informal concerns to be raised. There were exceptional examples, however, of an opportunity being given to parents to raise concerns through written communications, for example through home-school communication books.

### 2.2.2 Roles of local authorities

At present, under section 409 of the Education Act 1996, local authorities are required to set up procedures for dealing with certain types of complaints; for example, complaints about the National Curriculum or collective worship in a school. Local authorities have no legal obligation or statutory role to resolve other complaints relating to an individual child, and no powers of direction over schools to influence their practice. Section 409 of the 1996 Act requires that they make arrangements to consider any complaint where the governing body have acted or are proposing to act unreasonably in relation to the exercise of a power conferred or the performance of a duty or have failed to perform a duty at all imposed on them by or under a relevant enactment. The evidence from local authority stakeholders, however, suggests that in practice there are varying degrees of involvement. While some local authorities elect not get involved beyond statutory duties, others reported being more actively involved with school complaints reporting to be in contact with parents and school representatives. A host of factors would seem to have influenced these decisions about how extensively to get involved including historical precedent, demand from local schools, and where within the local authority the responsibilities for complaints handling are situated. The capacity to respond to complaints was, however, by far the most significant factor.

Commonly local authority stakeholders were reported to provide information to parents prior to any complaints being lodged. Typically parents were reported to contact the local authority seeking information about the process for making complaints about schools. Local authority stakeholders suggest this is the partly the result of misunderstanding on the part of parents of the local authorities responsibilities. For example, one respondent commented:

*“There is an ambiguity of the local authorities' role and the lack of understanding amongst the public to what the local authority's role is towards schools, they assume we are directly responsible for schools.”*

**(Local Authority Representative)**



This also suggests a need for schools to better publicise their complaints procedures (as reported above). In these cases, local authority teams refer parents back to schools to go through their complaints procedure. Where a query from a parent is not specifically about the process for making a complaint, local authority teams can signpost parents to other sources of information or relevant parts of the education service. For example, a parent may be directed to a local authority's anti-bullying strategy for information on the issue more generally or to the health and safety team if parents have concerns about this within a school context.

Alongside the role giving information to parents, local authorities also appear to play a supporting role to schools in respect of complaints involving an individual child, despite this being outside of their statutory responsibilities. The school survey for example, highlighted just under two thirds of schools (62%) who reported that their local authority was routinely or occasionally involved in offering advice or brokerage, where complaints about an individual child cannot be resolved at school level. The amount of resource and arrangements within a local authority for delivery of these support services varied in practice. For several local authorities, this role was undertaken by staff as part of a wider complaints team who deal with complaints across schools, social care and early years provision. In other local authorities, there was more dedicated resource focused on delivering support on the management of schools or governor development services. Typically these were small teams of one or two individuals but again complaints about an individual child were only one element of the support provided to governing bodies.

Local authorities reported various levels of involvement with schools. Commonly, local authorities provide support to schools on the process side, for example providing example or model complaints procedures and associated paperwork or providing training to governing bodies (and in more isolated cases head teachers) on complaints handling. Some local authorities also acted as an ongoing arms-length advice service to school staff, typically where schools wanted reassurance that the procedures they had followed for a particular complaint were sound. In one local authority area this had been formalised into a 'clerking service' where a relatively senior local authority representative will attend a governing body meeting where a complaint is to be discussed. The local authority's role in these circumstances is to ensure governors are following and interpreting the procedures properly rather than any involvement by the local authority in the substantive issue. There was evidence from local authority stakeholders that this advisory role on occasion goes beyond process issues, with local authority staff offering emotional or pastoral support to school staff. This is typically provided where the issue or pursuit of a complaint by a parent was perceived to becoming vexatious.

In other circumstances, local authority stakeholders had a more active role in respect of school complaints, which was characterised as a "*mediator or bridge building role.*" Local authorities' involvement here included an individual chairing meetings or acting as a conduit for information or communication between schools and parents, where relationships or communication had broken down, as illustrated by these case study examples:

### Table 2.2 Case example: Sheffield City Council Mediation Service

Sheffield City Council's conciliation and advice service team takes an early intervention approach to school complaints to try to minimise the number that become formal complaints. The team offers a mediation service that brings the school, the parent and the pupil together to talk through their concerns. The local authority encourages schools and parents to talk to each other by focusing on the benefits for the pupil's education if the issue is resolved without going through a potentially lengthy appeals process. The approach is widely known in the locality, and schools do approach the local authority at an early stage to provide mediation support. This approach is perceived to have been a success factor in the low proportion of complaints referred to the service that escalate to formal stage:

*"In terms of the issues that we deal with, I would say at least 90% of them are happy with the advice and support we give and they would tend not to progress or escalate into a formal school complaint."*

### Table 2.3 Case Study – local authority involvement where communication has broken down

A parent made a complaint to her child's school as she felt that her child was not being treated fairly by the class teacher. This turned into a harassment case and a staff member went off sick with stress as a result. At the request of the school, the local authority stepped in and all communication between the school and the parent went through the local authority to protect the school staff.

The extent to which the role of the local authority in complaints affecting an individual child is formalised varied across the country. In most cases the involvement of the local authority is only possible where there is an explicit request made by the school. Where the local authority becomes aware of an issue independently of the school, local authority stakeholders reported they would contact the school but it was acknowledged there is a need for the school to be willing to work with the local authority for it to have any meaningful input.

Local authorities are acutely aware of their lack of statutory jurisdiction and power of direction and this is considered a significant barrier to more active or effective intervention in some cases. In isolated examples, however, a more formal service was offered by some local authorities. For example, a service level agreement or 'buy back service' has been developed in a small number of local authority areas (e.g. Southampton and Lancashire) which provides schools with an agreed level of support in respect of school complaints. These types of arrangements are increasingly being considered in a wider number of local authorities as a mechanism to maintain the service offered to schools in light of the public sector cuts. Its success as a means of sustaining the service was significantly undermined, however, by pressures on school budgets and local authority stakeholders' perception that schools felt they did not need the service as they have not had direct experience of any difficult complaints.

### 2.2.3 The role of the Secretary of State

If a parent's complaint regarding an individual child is not resolved at school level or with the support of local authorities (where available), parents can make a written complaint to the Secretary of State. Under sections 496 and 497 of the Education Act 1996 the Secretary of State for Education has the power to resolve disputes or complaints if he is satisfied that a governing body or local authority is acting or proposing to act "unreasonably" in the exercise of a power or the performance of a duty under the Education Acts or have not carried out a statutory duty at all. As outlined in documentation associated with the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009, in practice there are few occasions when a direction may be given.<sup>14</sup> Some parents feel that the route is too "distant" from a local context, and "part of the (educational) system". Further analysis of this route and the role of the Secretary of State is provided in Chapter Four, where current arrangements are profiled in detail.

### 2.2.4 The roles of Independent and Voluntary and Community Sector (VCS) organisations

Independent and VCS organisations offer a variety of information, signposting and other forms of support regarding school complaints. Some of the established national charities provide education related helplines and web-based channels for parents, and have been a port of call for parents beyond the school or local authority level processes and information.

- **The Advisory Centre for Education (ACE)** provides information and advice to parents of school age children, via a helpline and a website. ACE staff reported that a number of recurring issues are the subject of calls to the advice line, including those relating to SEN, exclusion and allegations of teacher misconduct. Much of this work focuses on supporting parents to deal with the emotional aspects of complaining, and providing constructive advice for communicating effectively with the child's school. The organisation has developed an advice booklet; 'Making a Complaint', which is available as a download from their website.
- **The Coram Children's Legal Centre (CLC)** provides legal advice through the National Education Law Line for CLS Direct, which is funded by the Legal Services Commission and other sources, and includes a casework service for complex complaints with a specific legal dimension. They also provide a face-to-face advisory service in the East of England for vulnerable families, funded by BBC Children in Need. School concerns and complaints make up a significant proportion of the calls to the helpline. A wide range of cases are handled, including bullying (duty to promote / protect); SEN (assessment issues or teacher conduct), and disputes about educational provision for children who are out of school for some reason<sup>15</sup>.
- **Contact a Family (CAF)** provides advice, information and support to the parents of all disabled children. They provide a free helpline and have produced an information booklet with details about the routes available to parents for disagreements, appeals, and complaints.

<sup>14</sup> Department for Education (2009) Apprenticeships, Skills, Children and Learning Bill – Explanatory Notes

<sup>15</sup> Common issues were said to include: incorrect attendance records or medical records and unauthorised absence.

The stakeholder interviews show that it was common for parents to independently approach organisations for advice or guidance about school complaints. Direct signposting by the school was less common. Independent advice was sought at different stages in the complaints process, but usually in response to a blockage in communication with the school. The experience of help-line staff at CLC further reinforces that parents nearly always explore resolution to some extent at a school level before contacting a help-line. Calling at an earlier stage in the process "*just for information*" was thought to be unusual.

The parents who were interviewed had accessed support from a variety of external organisations. The profile of these organisations reflected the nature of the complaint, including whether there was a specific issue (e.g. SEN or bullying) that might warrant external input, and parents' prior knowledge of available sources of help. The examples included:

**Parent Partnership Services (PPSs)** – by far the most widely reported source of independent support around complaints came from PPSs, as might be expected given their statutory remit for supporting parents of pupils with SEN<sup>16</sup>. Parents were usually already aware of the PPS, having spoken with a Parent Partnership Officer previously in relation to their child's educational entitlements at the school. PPSs were sometimes employed directly by the local authority, although in other cases this service was outsourced to an independent provider. The nature of support ranged from one-off telephone advice, to on-going advocacy work, and even accompanying parents to school meetings or governing body hearings.

**Voluntary and Community Sector (VCS) Organisations** – parents reported a raft of advice and signposting from organisations including ACE, ACAS, Anti-Bullying Alliance (ABA), the National Autistic Society (NAS) and a range of local charities. These organisations offered a variety of advice and support, including a number of referrals to the LGO service. One local authority manager observed that the local Citizens Advice Bureau (CAB) had played an active role in assisting parents with preparing written complaints to local schools.

**Ofsted** – a few of the parents within the interview sample contacted Ofsted for advice, having been aware of their remit as a regulatory agency for schools. In most cases, they were routed back to the school to follow the complaints procedure, reflecting that external support had been sought before this route was exhausted. A smaller number of referrals were made from Ofsted to the LGO, where appropriate.

Parents' experiences of ***independent telephone advice*** were very mixed. Levels of satisfaction were generally higher where the parent received specific advice that was felt to add weight to their complaint, or gave them new options to explore. Examples included where a parent was advised that they had a potential case under the Disability Discrimination Act (DDA) 1995, and another where the parent was briefed on Government guidelines about school uniform policy, which appeared to support their complaint against the school. The effectiveness of independent advice was quite often dependent on the nature of the complaint, however, and calling a help-line sometimes proved disheartening where it served to reinforce that there was no obvious legal route available.

*"They made me realise... I was basically going to have to deal with it myself"*

**(Parent)**

<sup>16</sup> Section 332A of the Education Act 1996 places a duty on LAs to make arrangements for providing information on SEN matters to parents of children in their area who have SEN and section 332B of the Education Act 1996 places a duty on local authorities to make arrangements with a view to avoiding or resolving disagreements between the authority and parents of children in their area .

*"[I contacted] some helpline who made me feel even worse by going on about the school's inadequate rating, which wasn't news".*

**(Parent)**

The parent interviews also highlight the limited powers of independent organisations in dealing with schools, unless the complaint related to a statutory duty. In one example, a parent had contacted a local autistic charity for advice about a complaint relating to educational provision for their child. The organisation contacted the school on the parent's behalf with a request for information, but the school simply refused to accept their involvement. Another parent was advised by an educational charity to ask the school to put their side of the complaint in writing, as the correspondence had been mainly verbal up to that point. The request was ignored.

A few organisations (including ACE and ACAS) reportedly offered telephone-based assistance on a rolling basis during the course of the complaint. Whilst this did not seem to represent 'casework' as such, it was described by a few parents in terms of a 'coaching' role, which was valued more highly than one-off advice.

*"I asked for help from a third party, someone from the Advice and Conciliation Service. I rang him up only because he knew me because I'd made complaints before. I was very well supported. The person there supported us through a previous complaint...I ask him questions informally about how it's going. He checks up on how it's going"*

**(Parent)**

With the exception of PPSs, it would appear that parents were rarely able to access face-to-face advocacy or support during the complaints process. The local authority interviews suggest that mediation services are widespread, but have been almost exclusively used for complaints involving SEN and disabilities<sup>17</sup>. Independent mediation would seem to have been unusual for other types of school complaints affecting the individual child. Schools commonly expressed a view in interviews and survey that mediation services are costly and disproportionate for all but the most protracted complaints. These findings accord with previous research (Tennant, et. al. 2008)<sup>18</sup>.

One example was found within the interview sample, where the local authority arranged for a charitable organisation to provide mediation for a long-running complaint with a safeguarding dimension. The parent found the mediation *"very helpful"* in reaching a largely satisfactory resolution – a care plan and risk assessment was set in place for the pupil, and the wrongdoing was acknowledged by the school. The process was time-consuming, however, with an impact on both family and senior representative from the school from attending up to five evening sessions.

Schools also reported other (miscellaneous) uses of independent expertise in relation to complaints. This was done on a more ad hoc basis; to manage the wider repercussions of an ongoing complaint for the child, or to restore positive relationships following resolution. The following short case studies provide an illustration.

<sup>17</sup> Local Authorities have a duty under section 332B of the Education Act 1996 to make arrangements with a view to avoiding or resolving disagreements between the authority and parents of children in their area.

<sup>18</sup> A national evaluation of SEN Disagreement Resolution Services found that SEN mediation was usually considered expensive by schools, and that they often lacked the resources to source provision and allocate the necessary staff time to attend meetings (P.4).

## Table 2.4 Case examples: Schools sourcing independent provision to support complaints handling

### Example 1

A pupil had been temporarily excluded following a dispute about course enrolment, which culminated in an acrimonious complaint by the parent against the school. Communications had broken down between the parent and head teacher. The School Liaison Officer decided to make a referral to the local Targeted Youth Support team for the pupil. This was greatly valued by the parent, who felt that the extra support helped to compensate for the missed lesson time, and reduced the level of risk of further disengagement by the pupil.

### Example 2

A parent complained that their child had been bullied on a number of occasions. The school tried to resolve the issue by disciplining the offending pupil, and keeping the individuals apart whilst at school. Despite taking this action, it became apparent that issues remained involving other members of the class. The school decided to call upon a local bullying education charity to undertake restorative work with pupils. The session was reported to be very effective, and the pupil reported feeling safer as a result of the school taking action.

There was no reported involvement by **Parent Support Advisers (PSAs)** in complaints handling; either within the school survey or the parent interviews, although it should be noted that the parent interview sample was small. Previous research suggests that PSAs have sometimes been involved in school complaints. The national evaluation of the PSA pilot (Lindsay, et. al., 2008) showed that PSAs were occasionally drawn into managing potential conflict between parent and school, although this was “relatively rare” (p.39). This role was described by respondents as “intermediary” or “mediator”, with some describing it more in terms of “advocacy”.

The same evaluation found that PSAs were more often engaged in earlier prevention, by diffusing problems before they had a chance to escalate to a formal stage. Parents nearly always valued the confidentiality of the PSA role, due to their status of being employed by the local authority rather than the school<sup>19</sup>. Greater difficulties were encountered when complaints took on a more formal dimension.

*“The sensitivity of the PSA role was exemplified by one PSA for whom one incident loomed particularly large, amid dissatisfaction among parents regarding the work of a particular teacher and the school’s apparent disregard of any problem. The PSA had informed the head following a particular complaint from a parent that her child was not progressing well, but the head’s response was: ‘I will not have a PSA undermining our staff!’ As a result of her intervention, the PSA felt ‘scapegoated and marginalized’”.*

**(Lindsay, et. al., 2008, p.39)**

Wider issues from the evaluation in terms of workloads and lack of specialists training highlighted potential limitations to PSAs increasing their current minor role in supporting parents with school complaints.

<sup>19</sup> Although of course this is not always the case, with PSAs often being employed directly by the school

The idea of PSAs acting in the capacity of mediators was also raised with parents of primary and secondary age children as part of the “Time to Talk” event research undertaken by Opinion Leader (2009). Although parents spoke highly of the support received from PSAs, this was not always considered appropriate due to PSAs’ perceived lack of independence from the school (p.73).

Finally, it is noticeable that there was no mention of informal buddying or peer group support amongst the parents who were interviewed. This emerged as being a possible area where parents might benefit – particularly at the governing body hearing stage. This is discussed in the next chapter.

## 2.3 Resolution and outcomes

Resolving complaints quickly and with an outcome that satisfies all parties is recognised by schools and stakeholders as the ideal outcome. The duration of complaints from acknowledgement to resolution varied at a school level. Often schools who responded to the Ecorys survey were not able to comment on timescales as it varied considerably between complaints or concerns. Where data was available, schools suggested:

- The vast majority of complaints were reported in the survey to have been resolved within one month;
- There was strong evidence to suggest that informal complaints were dealt with more quickly: 83% of the sample reported informal complaints were resolved within one month, compared to 62% reporting formal complaints being resolved within the same timescale; and
- Only two schools reported examples of informal complaints taking longer than a month to resolve, compared to thirteen schools (11%) who reported this to be the case for formal complaints.

Additional comments received from schools emphasised that informal concerns were often resolved the same day they were raised or the next, given they typically emerged through conversation between parents and school staff, allowing staff to provide an immediate apology or resolution.

In the main, the schools responding to the survey appear to have been successfully resolving complaints within the school setting. The majority of complaints identified by schools in the last two academic years were reported to have been resolved by the school. In 2009/10, for example, 49% of schools taking part in the survey who kept a record of the outcomes from complaints reported a resolution by the school compared to only six schools who reported resolution by an external panel or organisation<sup>20</sup>. The remaining schools, despite reporting to keep records, reported not knowing the route of resolution or reported that in exceptional cases the complaints were ongoing.

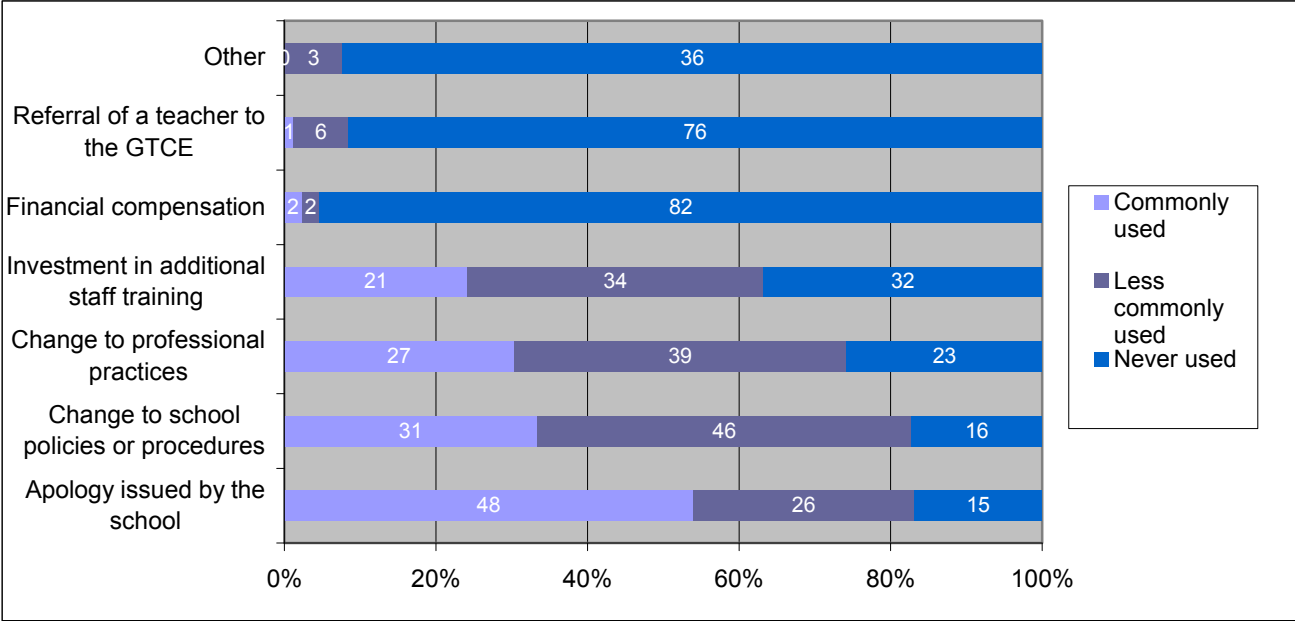
A range of remedies were identified as being used by schools (Figure 2.3). Issuing apologies to parents was the most commonly used remedy reported by schools (48% of schools reported to commonly use this remedy). Encouragingly, schools also reported to commonly or occasionally make changes to school policies (31%) or professional practices (27%) as a result of complaints made. It was much rarer for

<sup>20</sup> This overall pattern of most complaints being successfully resolved by the school is supported by other research. An online survey with members of the Ofsted Parents’ Panel in March 2010 (base: 381) found that 72% of parents either agreed or strongly agreed that their child’s school “*dealt effectively with any concerns they had about their education*”, although some of the views expressed by the remainder of parents were quite strongly negative on this subject (Ofsted, 2011, p.14).

schools to offer any financial recompense or to refer cases of staff conduct to a higher level. This is likely to be a reflection of the less serious nature of majority of the complaints (see Section 2.1.2) rather than any reluctance on the part of schools to take action. Moreover, it cannot usually be assumed that financial compensation represents the most suitable remedy<sup>21</sup>.

Overall, this suggests that schools respond actively and responsibly to the majority of complaints and are not against changing their practice if a genuine concern or complaint is raised. Analysis of the survey findings did not highlight any particular trends in the remedies utilised in different school settings.

**Figure 2.3 Remedies most commonly used by schools to resolve complaints**



Source: School survey (n=124)

Table 2.5 (overleaf) provides some examples of complaints that have been upheld and the remedies reported by schools to have been implemented in response.

<sup>21</sup> Similarly, the LGO does not usually consider financial remedies appropriate for school complaints within the scope of their national service, and the main priority has been to ensure wherever possible a remedy that helps restore the relationship between school and family and promotes the future interests of the child.



**Table 2.5 Example of remedies used by schools**

Remedy	Example
<b>Apology</b>	<ul style="list-style-type: none"> <li>• A teacher accidentally gave food containing non-halal animal products to a Muslim child and an apology was issued to parents</li> <li>• Where a teacher has not followed the correct procedure or practice in responding to an initial complaint a teacher and head issued an apology.</li> <li>• An apology was made to a parents when there was a delay in communicating with the parent following an incident in school</li> </ul>
<b>Changes to policy and procedures</b>	<ul style="list-style-type: none"> <li>• A change to lunchtime policy and procedures was made where a parent complained about their child missing lunch</li> <li>• Supervision levels were increased on off-site trips following a concern raised by a parent</li> <li>• The schools introduced accident slips to inform parents of any incidents rather than relying on verbal communication</li> </ul>
<b>Investments in staff training</b>	<ul style="list-style-type: none"> <li>• Whole school behaviour training was delivered to support children who were biting following a complaint by a parent</li> <li>• Restorative Justice training was given to key staff to deal with bullying after a parent complained about the school's response</li> <li>• Behaviour management at playtimes training was delivered to respond to incidents highlighted by parents</li> </ul>
<b>Financial compensation</b>	<ul style="list-style-type: none"> <li>• The cost to replace a uniform which was damaged inadvertently.</li> </ul>

Despite the positive reporting of resolutions and the use of remedies by schools, there was recognition by schools that on occasion complaints are not easily resolved to the satisfaction of all involved. Specifically, just over a third of schools reported in the survey that some types of complaint were hardest to resolve. Examples given by schools responding to the survey included complaints about incidents such as bullying or behaviour outside of the school day or premises (5 examples), admissions (6) or complaints about individual members of staff (4 examples) as the hardest to resolve.

Beyond these specific types of complaints, there was strong emphasis on complaints that are difficult to resolve due to the circumstances or context in which they are made. For example, schools highlighted difficulty where the complaint was compounded by a personality clash between parents and school staff, where parents were perceived (or were known) to have mental health issues or where the school perceived that the parent was being unreasonable or making unfounded complaints, as this school staff member suggests:

*“[Complaints are most difficult] where the complaints are multiple and complex. Where the feelings of the family are at the root of the complaint and the complaint is not justified, but it can be very difficult to ensure that the family feels the complaint has been taken seriously.”*

As examined in Section 2.2.2 and in Section 3, it is these circumstances where schools particularly valued the support from local authorities or the intervention of the LGO.

Finally, some differences were noted in the approach taken by maintained schools and Academies for resolving complaints. This was particularly thought to be the case for more "legalistic" complaints. One of the independent advice organisations identified that; whilst mainstream schools will usually approach the local authority legal team for advice, Academies tend to make use of private solicitors. This could make the process "*more litigious and more adversarial*" because private solicitors often lack experience of handling sensitive school-related issues (e.g. SEN). A priority was identified to ensure greater consistency in the practices used in each sector.

## 3.0 Complaints Handling Processes and their Effectiveness

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This chapter examines the experiences of complaints handling, from the perspectives of those who have been involved. The chapter first draws upon the qualitative interviews and research literature to highlight some of the main barriers and success factors to complaining within the current national framework. It then goes on to consider each of the stages of the complaints process in turn – from informal to formal stages, with examples of effective and poor practice given at each stage. Following this, the chapter goes on to consider the wider school-level factors that are perceived to influence the effectiveness of complaints handling processes. It concludes with a summary of the priorities for improving the current system, as reported by parents. It should be noted that no direct research was conducted with parents who had lodged a complaint with the Secretary of State. The evidence presented is focused towards experiences of school level and LGO complaints handling.

### 3.1 Key themes from the qualitative research

The interview evidence highlighted the considerable diversity in parents' experiences of complaining, and the extent to which many aspects of the process were interwoven with other aspects of the pupil's education. The interviews also underlined the *subjective* nature of how events were recalled and interpreted, which often involved strong emotions and beliefs. As it was not always possible to speak with both the complainant and a representative from the school for specific individual complaints, we have sought to triangulate as far as possible between the different sets of responses to provide a balanced view of processes and outcomes.

#### 3.1.1 Complaint status / seriousness

As is documented in previous research (Sherbert Research, 2009), complaints varied in their potential 'seriousness', defined primarily in terms of the level of risk posed to the pupil and others. The level of parental involvement often also increased along these lines. This was not always the case, however, and some parents had engaged in a bitter and longstanding dispute with the school about perceptibly minor issues that had *"got out of hand"*, or where the response to the complaints process itself had become the main cause of acrimony due to a breakdown in relationships or a perceived abuse of trust from either side.

Broadly speaking, the complaints that were described within the interviews ranged from:

- **Relatively benign issues, which had escalated from 'concern' to 'complaint'** - perhaps sometimes unnecessarily - including school procedural or conduct issues affecting the individual child; to
- **More serious issues disrupting the child's education and potentially that of others** - including allegations of improper teacher conduct, disruptive pupil behaviour, or failure to provide adequate support for pupils with additional needs; to,
- **Very serious issues posing an immediate risk to the wellbeing of the child or others** - including allegations of bullying, assault (including sexual assault), or breaches of health and safety.

The interviews highlighted particular tensions in relation to provision for pupils with Special Educational Needs (SEN), where the issue giving rise to complaint did not qualify for a statutory investigation or complaint resolution. This included complaints relating to staff awareness, conduct, training, risk assessments, and putting agreed actions into place. Parents commonly described varying contact with a range of services during this time, including Social Care Teams and possible First Tier Tribunal involvement. These processes were often complex, and the individual school complaint was just one element that parents did not dissociate from the wider situation for their child.

Alleged failings in dealing with bullying also featured prominently within the interview sample. These issues could be a source of bitter conflict between the school and family, where the school was perceived to have dismissed incidences of actual or potential harm to the pupil as "*part of growing up*", "*just what girls / boys do at that age*", or implied that an incident was justified as a result of the pupil's behaviour. Complaints with a bullying dimension were often related to behavioural issues, which in turn were sometimes linked to ASD or ADHD.

Whilst complaints can arise for pupils from any social or educational background, the more *vulnerable* pupils with additional needs seemed to feature prominently within those complaints that had reached the LGO resolution stage.

### 3.1.2 Common challenges for parents complaining

Despite the varying nature of the complaints, a number of common issues recurred within the interviews that affected most of the individual examples within the interview sample. These are presented below.

- **Distinguishing 'complaints' from 'concerns'**– schools and parents often reported different interpretations of what constitutes a 'complaint', which had a direct bearing on the procedures that followed. It was not uncommon for schools to identify that no action had been taken in response to an initial letter by the parent, because the school had *simply not realised* that the parent was complaining.
- **Timescales** – the open-endedness of the complaints process was found to be a huge issue for parents, which contributed towards their sense of uncertainty. There was no accepted end point to the processes. This was exacerbated by the existence of multiple routes for complaints – especially for exclusions / SEN.
- **Transparency** – the lack of clarity about the procedures followed by the school was a common theme to emerge from the interviews. The complaints procedure sometimes appeared to have been improvised or back-filled as the complaint progressed, with the school seemingly contradicting earlier statements. At the extreme end of the spectrum, some parents alleged that evidence had been destroyed or falsified, whilst some school staff alleged that parents were pursuing an entirely malicious course of action.
- **Confidentiality** – the fear of negative repercussions from complaining was another significant issue. Parents were mindful of the knock-on effect for their child if the nature of the complaint became more widely known within the school. Some parents also considered possible longer-term repercussions for younger siblings, when deciding whether to "*take on*" the school.
- **Being taken seriously** – parents were conscious of being seen as "*time wasters*" and tended to respond badly where their concerns were dismissed. Whilst only a small number of pupils were

interviewed, they felt quite strongly that their views were less likely to be taken seriously than those of adults<sup>22</sup>.

In the following sections, we consider the different stages of complaining in greater detail, starting with lessons learned about the measures that can be set in place to manage the risk of complaints arising.

### 3.2 Effective prevention

The literature review and interviews emphasised that 'whole school' approaches towards parental engagement can have an important bearing on how complaints affecting the individual child are handled. Having a variety of channels for informal communication with parents was considered important to diffuse tensions and avoid any escalation of the less serious complaints, and for encouraging parents to engage at an earlier stage if more serious issues arise. An example included where head teachers offered regular slots for parents to raise any concerns.

The argument for a preventative approach is supported by the 2005 National Audit Office report into complaints about public services. The report set out a "value for money" case for earlier intervention, arguing the need to take action before complaints reach a stage when the costs of handling and resolution escalate:

*"There are major savings to be made by departments and agencies if they can resolve more complaints and appeals at the lowest possible levels of the 'ladder of redress', rather than allowing complaints... to progress up the system, involving extra bodies and accumulating extra costs and delays as they do so"*

**(National Audit Office, 2005, p.7)**

There was also a broad consensus that schools were more likely to respond effectively, if complaints data was viewed as a tool for continuous improvement. Schools adopting this outlook commonly reported having a number of mechanisms in place to gather information and take a more pro-active approach. These included:

- maintaining complaints records;
- gathering supplementary information through parent surveys;
- maintain an 'open door' policy for parents to contact the school at any time with concerns<sup>23</sup>; and,
- drawing on other sources of information such as incident logs to identify issues likely to give rise to complaints, and to support complaints handling processes.

Conversely, the interviews suggested that individual complaints could be symptomatic of a wider breakdown in communication between parents and the school – in relation to how bullying or SEN issues are handled, for example. This posed a risk of further incidents arising for parents in similar circumstances.

<sup>22</sup> This issue is supported by other research. A large scale study of pupils' perspectives of bullying found that: *"teachers were perceived as taking complaints made by parents more seriously than complaints made by pupils"* (IoE, 2003, p.85)

<sup>23</sup> This was a favoured measure for preventing concerns from escalating in complaints, as reported in the Ofsted review of partnerships between parents and schools (Ofsted 2011, p.13). In practical terms, it was found to be more feasible within primary schools.

There was also some evidence that parents' willingness to complain could be negatively affected, if a series of individual complaints were observed to have been poorly handled by the school in the past. Several schools identified how 'groups' of vexatious parents had mobilized in this type of situation, making any subsequent incidents more difficult to handle; detracting from the interests of the individual child. Strong lines of communication and greater openness were considered important to avoid this type of scenario.

### 3.3 Informal complaints handling

#### 3.3.1 Access to procedural information

The parents interviewed for the study reported wide-ranging experiences of first accessing their school's written complaints procedure. On balance, the schools were rarely found to have actively signposted parents, and it was not uncommon for parents to be unaware of the existence of a procedure until after the complaint was initiated. They subsequently became aware by one of the following routes:

- after speaking to other parents;
- after seeking independent advice, or
- following the involvement of an LGO investigator.

Intuitively, therefore, parents tended not to access the complaints procedure as a first point of call, unless they had prior experience of complaining. These findings are supported by previous research on the subject of parents' complaints about schools. For example research conducted with parents and practitioners (Opinion Leader, 2007) found that schools' complaints procedures were poorly publicised. Parents and practitioners alike called for more accessible information in prospectuses and on school websites (p.66). Focus group research with parents conducted for the (then) DCSF in 2009 revealed similar findings:

*"Parents have little awareness of the complaints process. They tend to learn from experience and use instincts to guide them through the process rather than knowledge of any formal complaints or guidelines. Parents would appreciate knowing more about the process."*

**(Sherbert Research, 2009, p.3)**

Views were also mixed on the usefulness of the procedure, once it had been obtained. It was not uncommon for parents who were interviewed by Ecorys for the current study to find the information *"too generic"*, where it had apparently been adapted from a template without much adaptation to the individual school. A particular gap was highlighted in relation to named school staff with responsibilities for complaints handling. At secondary stage in particular, this meant that it was not always clear who should be contacted to initiate the complaint, even after the procedure had been obtained. The parents within the interview sample had contacted a range of different members of school staff, ranging from teachers to Heads of Year, SENCOs or Senior Managers in the first instance, with mixed results.

The inconsistency between school's complaints procedures also emerged as a central theme within the stakeholder interviews. There was general support for the 'model' procedure circulated to schools by the Department for Education, which was felt to appropriately reflect the current legislative position in non-LGO service areas. However, local authority representatives described significant variations in how schools promoted and updated their procedures, and it was recognized that procedural information does not always suffice for parents to navigate the system.

A change in head teacher was also noted as a possible factor affecting the school's approach for raising awareness of complaints procedures and ensuring that staff are adequately briefed. The local authority interviews showed that there had sometimes been a high level of turnover of head teachers for individual schools, with implications for the coherence and continuity in how procedures are put into practice.

### 3.3.2 Timeliness of the complaints process

Parents who were interviewed commonly spoke of their uncertainty about the stages to be followed during a complaint, and the associated timescales. Most relied quite heavily on a combination of their instincts and knowledge of how previous complaints had been handled by the school. This lack of information often contributed towards a sense of indeterminacy - with parents uncertain of what *should* be happening, and therefore less informed about whether the complaint was being satisfactorily progressed.

*"Whatever website you go on, whoever you go to, the school, the Secretary of State, they all just sidestep and refer you to someone else. You get bounced around and no-one wants to take responsibility. They say it's nowt to do with us, we can't deal with it. There are lots of processes, but it's nobody's responsibility"*

**(Complainant, Male)**

A few of the parents who were interviewed considered that the school had deliberately slowed the complaints process, in the hope that either the parent would drop the complaint, or that any remedial action could be postponed indefinitely. This perception was reinforced by complaints being passed between different authorities without resolution, or where correspondence from the school was delayed to coincide with school holiday periods. Several parents thought that the school was exploiting the indefinite timescales for complaining and was waiting for the pupil to leave to avoid a more formal form of resolution.

Although these accounts give just one side of the story, they highlight the significance to parents of having at least an *indicative* timescale for the complaints handling process. Indeed, several of the local authority representatives who were interviewed noted that a lack of information about timescales could be problematic, even where the school's complaints procedure was otherwise well written and up-to-date. It was sometimes not until the procedure was tested with a 'live' complaint that this issue came to light. Equally, however, it was recognised that firm assurances about the length of a complaints process could be problematic, given the break in continuity that can occur with individual complaints during school holiday periods.

### 3.3.3 Communication and feedback

The interviews showed that ongoing communication with the school was valued greatly by parents during the course of the complaint. A lack of feedback commonly resulted in a faster deterioration in the relationship between the school and the family; made the process more stressful due to uncertainty over what action was being taken, and placed greater time pressures on parents to 'chase-up' the complaint with school staff. Parents typically reported three main informational requirements, as part of this ongoing feedback:

- evidence of progress being made;
- opportunities to review and comment on evidence; and,
- clarity about next steps.

These issues are also documented in previous complaints research. For example, the 2005 LGO customer research survey showed that complainant satisfaction was directly correlated with the opportunity to view and comment on the evidence during the complaint (p.3). A lack of feedback during the complaints process was also found to be a contributory factor to complainants' sense of injustice, if the outcome was negative (p.11). There were similar findings within the BMRB study of services for parents of disabled children (Grant and Hamlyn, 2009), where a lack of communication during the complaints process was commonly cited as a factor that made complaining more difficult and stressful, and which added to the time pressures on parents in "chasing-up" complaints around their other commitments. The provision of feedback at regular intervals is also highlighted as a core element of complaints handling in other sectors, within the House of Commons Public Administration Select Committee report; *When Citizens Complain* (2008). This report looked at, amongst others, the work of the Metropolitan Police Authority and HM Revenue and Customs, and reached much the same conclusions in each case.

### 3.4 Formal complaints handling

There would appear to be some confusion within the literature over the stage at which 'formal' complaints processes are initiated under the existing national arrangements. Some sources cite a head teacher hearing as a formal stage, whilst elsewhere this status is ascribed to a governing body hearing.

It was apparent that the 'formal' stage in the complaints process was also open to wide interpretation by those directly involved. There was particular confusion about the fact that a formal complaint has *quasi-legal* connotations, yet there is no statutory basis for disputing many types of complaints involving the individual child, nor an automatic right to any kind of expert representation. Chairs of governors were not always clear on the criteria for moving to a 'formal' hearing stage, and sometimes refused a panel hearing on the grounds that informal channels had not yet been exhausted. Moreover, some parents were reluctant to acknowledge that a complaint had become 'formal', because this was often the stage at which the school's cooperation was found to diminish and a harder line was taken. Parents were wary of crossing this line for fear that it would damage their relationships with the school. This was sometimes based on having observed others go through the process.



*"I genuinely think it's like an old school thing, 'we all stick together, we're bomb proof, and nothing can touch us'... Everyone closes up ranks."*

**(Complainant, Female)**

*"Instead of apologising and saying hands-up, we'll put that right... it's like he's [head teacher] taken it personally... I know it sounds ridiculous, but one minute they were helpful and suddenly... no-one can help us"*

**(Complainant, Female)**

In several of the cases that were examined for the research, the school had presented a number of procedural barriers to escalating the complaint. A lack of evidence, linked to the school's own gaps in data recording, was cited as one such a barrier. The following case study example provides an illustration.

**Table 3.1 Case example: Barriers to making a formal complaint – obstruction by the school**

The parent of an 8 year old girl was concerned about her daughter being bullied at school. Following a fight between the two girls on the last day of term, she made a verbal complaint to her daughter's teacher. No action was taken. Over the course of the next year she raised concerns "*on seven or eight occasions*" about bullying involving the same pupil, but no action was taken. The parent felt that the school was being "obstructive", and no information was provided about how to take the complaint further.

Upon writing to the board of governors to complain, the parent received a letter from the head teacher informing her that the issue was "*in the past*". The parent was informed that there was insufficient evidence for a formal complaint, because no records had ever been made of the incident or the parents' subsequent discussions with school staff. The complaint has since been taken up by the LGO and is under review.

### 3.4.1 Head teacher involvement

The experiences of head teacher involvement in the complaints process were somewhat mixed. Whilst some parents reported fast action being taken on their behalf, there was often a sense that head teachers were reluctant to enter into discussion about individual complaints. This was particularly the case at secondary stage. Parents sometimes felt that there was an element of avoidance, or that the head teacher had taken a 'defensive' stance, although it was acknowledged that head teachers had other commitments that might limit their capacity to get involved. It should also be noted that most complaints examined for the research were from the LGO database, so there is an inevitable skew towards complaints that were unsatisfactorily handled.

Issues of impartiality were even more pronounced in situations where the parent's complaint related to the conduct of the head teacher, or overlapped with sensitive whole school issues. Here, it was beneficial to have clear information about alternative contacts at the school to progress the complaint. This usually involved by-passing the head teacher and directly contacting the chair of governors (see also 1.5.2. below).

The local authority interviews show that responsibilities for handling complaints were sometimes delegated to Heads of Year. This was a practical measure based on the head teacher's limited availability, and a desire to filter concerns from complaints. However, it was also thought that delegating responsibilities posed a risk of antagonizing parents - by adding an extra stage to the process; making it less transparent, and increasing the risk of complaints being overlooked or mishandled. It was considered less appropriate for serious complaints.

### 3.4.2 Governing Body involvement

As with other aspects of schools' complaints processes, the interviews suggest that the parent's right to a hearing by the governing body was not always made entirely clear. Although some schools offered support to parents to prepare, others were less forthcoming. In one example, the chair of governors rejected the parent's complaint in writing without the offer of a hearing. It was only following advice from the LGO that the parent made a formal request for a hearing. The parent would otherwise have been unaware that this option was available to them. In another example the parent was reportedly given only two days to prepare. In another still, the hearing went ahead in the parent's absence without any prior notice. It should be noted that these versions of events were provided by the complainant, and not always validated by a member of school staff.

There was often a general sense amongst parents that the chair of governors could not ever be entirely impartial. This was for a number of reasons, which included that:

- complainants often described “close-knit” relationships between staff and governors;
- decisions affecting the school could affect governors' own children, and indeed in at least one example from the research, the allegations of bullying were against the child of a governor; and
- some parents were uneasy about the degree of influence exerted by the head teacher.

On more than one occasion, a letter addressed to the chair of governors was reportedly “intercepted” by the head teacher, who provided a written response to the complainant. From the school's perspective, this was reported to have been because the complaints procedure had not been followed correctly by the parent. From parents' perspectives, however, this was taken as a sign that the governing body was not truly independent.

Many of the issues that caused anxiety for parents during earlier stages of the complaints process were felt to be magnified at the stage of a governing body hearing. The presence of senior members of staff on a panel was often welcomed as a sign that the complaint was being taken seriously. However, this could also be an intimidating experience – panels sometimes included the head teachers, governors and even a local authority representative. This inevitably tended towards an impression that the meeting was weighted towards the school, and care needed to be taken to avoid the impression of 'collusion' against the parent. Parents described how even the seating arrangements and demeanour of staff at the panel hearings could affect their experience.

*"I am strong and articulate and have got a lot of fight in me, but they are masters at it. They had three representatives from the school and one from the county, and just me... I held my own [but] it was just hideous"*

**(Complainant, Female)**

Several of the parents who were interviewed in relation to a SEN complaint spoke very positively of the support that was provided by their Parent Partnership Service during the complaints process. In a number of separate cases, the Parent Partnership Officer helped the parent to prepare for a governing body panel, and even attended the hearing as an independent representative. This went some way towards addressing one of the most stressful aspects of panel hearings; namely that "...no-one there was on my side". Other measures that were felt to have improved parents' experiences of a panel hearing included:

- providing suitable advance notice of the hearing, to make arrangements to attend;
- providing a 'plain English' agenda and papers in advance;
- allowing sufficient time for all parties to speak;
- willingness to accommodate any additional support needs (e.g. EAL, basic skills); and,
- clerking the meeting / producing a formal record.

A non-adversarial approach towards panel hearings was advocated by one of the stakeholders who were interviewed. They commented that panel meetings were inevitably stressful for the parent, and could be especially punitive for more 'vulnerable' parents who might be less confident or articulate in putting their arguments across. As an alternative it was suggested that each party should present their evidence separately, with the respective meetings clerked and a decision reached independently by the governing body.

#### **Table 3.2 Case example: Supporting parents with additional needs to complain**

One parent who was dyslexic described how the head teacher had made every effort to ensure that the complaints process was accessible and non-intimidating. This included making an exception to procedures, by allowing the parent to escalate the complaint to a 'formal' stage without the need for written correspondence. Further support was provided with preparing the necessary documents for the panel hearing.

Training for governors emerged as being a particular issue for panel hearings. A number of respondents noted that governors perform a voluntary role, and expectations of their knowledge about complaints handling must be kept realistic - especially given the limited resources available within local authorities for training. Governors were sometimes considered to be "*out of their depth*" when dealing with more complex or serious complaints such as those with a potential safeguarding dimension, and when advising on options for resolution or suggesting possible remedies. These findings are supported by the 2007 Children's Commissioner Report.

### 3.5 School-level factors

The stakeholder interviews highlighted a number of structural differences between schools, with a potential impact on how complaints are handled. Local authorities and national bodies such as Ofsted and the LGO in particular had the benefit of observing practices across a number of schools over a period of time.

On balance, the variations between individual schools effectiveness at handling complaints were thought to reside with a combination of the following factors:

- the robustness of their complaints policies and procedures;
- the ethos / outlook of the school towards parental complaints;
- the level of access to training for staff; and
- relationships with the local authority and other external partners.

A number of tentative distinctions were made between complaints handling at primary and secondary stage, although it was emphasised that these are generalisations only.

More regular opportunities were thought to exist for communication with staff around the school day at *primary stage* and for maintained nurseries; including better head teacher access. In the case of more sensitive complaints that implicated teaching staff or other parents, however, this could make it difficult to maintain confidentiality while the complaint was ongoing – particularly if the head teacher was implicated. Complaints involving younger children were also thought to be potentially more complex from a legal perspective, and posed greater difficulties in obtaining accurate accounts from pupils who were involved.

*Secondary schools* were generally reported to be more familiar at dealing with certain types of complaints; such as those relating to temporary exclusions and bullying. This reflects the changing nature of issues giving rise to complaint as pupils get older. Despite greater difficulties with knowing who to contact, the larger scale of secondary schools was thought to offer some advantages in providing anonymity during a complaint, and access to a wider range of senior staff to create a ‘buffer’ between head teacher and complainant. There was also some evidence that the involvement of pupils in complaints increases at secondary stage, although the overall numbers / proportions of “pupil-led” complaints were reported to be low in the survey and interviews.

### 3.6 Summary – key areas for improvement

This chapter has reviewed the variety of experiences of complaining, and the issues arising at each stage of the existing system for school complaints involving the individual child from the perspectives of schools, local authorities, and parents. The chapter highlighted a number of areas where the system is weaker and appears to be open to misinterpretation or poor practice, whilst recognising that these failings are more likely to be symptomatic of complaints that have escalated beyond the school stage.

In reflecting on the evidence, the main improvements to the existing system that are desired by parents can be summarised as follows:

- internal training and awareness-raising for school staff with regard to the procedures;
- guarantees for an early meeting with senior representatives from the school;
- indicative timescales for complaints handling; and,
- provision of support or advocacy to parents making a complaint and which must be independent, informed and able to exert an influence over school processes.

## 4.0 The remit of the Secretary of State: Review of Systems, Processes and Outcomes

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This chapter looks at the role of the Secretary of State in the handling of complaints. It examines his remit and the process in place at the Department for Education to handle and process correspondence. It was outside the scope of this research to comprehensively review all processes and activities undertaken by the Department in respect of complaints handling. The review focused primarily on written correspondence and reports on the analysis of two samples of correspondence to assess the scale and content of correspondence relating to complaints about issues affecting an individual child. No direct research was conducted with complainants who had lodged a complaint with the Secretary of State. The absence of this evidence should not be interpreted as a weakness of the Secretary of State complaints handling route.

### 4.1 The remit of the Secretary of State

The Department encourages complainants who are seeking to resolve issues affecting an individual child to try and resolve the issue, in the first instance, at a school level. If a parent's complaint regarding an individual child is not resolved at the school level or with the support of local authorities (where available), parents can make a written complaint to the Secretary of State.

Under sections 496 and 497 of the Education Act 1996 the Secretary of State has a broad power of direction if he is satisfied that a governing body or local authority have acted or are proposing to act unreasonably in the exercise of a power or the performance of a duty or have failed altogether to discharge a duty as set out in the Education Acts. This route can, usually, only be followed by parents if all other procedures have been exhausted.

In the areas covered by the LGO complaints service, the LGO replaced the Secretary of State route. The decision to repeal the service means that from 1<sup>st</sup> August 2012 the Secretary of State will be the only route of recourse beyond local level processes. The Department is increasing its overall emphasis on effective correspondence handling procedures but specifically that relating to school complaints. Ministers made public commitments during the consideration of the Education Act 2011 to review and improve the way that complaints to the Secretary of State are handled.

In light of this context, at the request of the Department, this study on parental complaints includes a specific strand examining the handling of correspondence by the Department. Specifically this analysis seeks to assess the likely scale of complaints received by the Department and provide recommendations on the processes for identifying, processing and monitoring written correspondence received in the Department.

## 4.2 Correspondence handling structures and processes

All correspondence addressed to the Secretary of State is currently managed by the Department's Public Communications Unit (PCU) and the recently created Private Office Correspondence Management Team (POCMT). These teams deal with correspondence on all matters of concern to the Department, not just complaints.

Correspondence is received by the Department in a number of forms:

- Emails addressed directly to the Secretary of State or other Ministers;
- Correspondence received through the 'contact us' section of the Department's website;
- Traditional letters by post;
- Telephone calls received by PCU contact centre.

All information detailing the Secretary of State's intervention under sections 496 and 497 of the Education Act 1996 advocates writing to him. For this reason, the remainder of this chapter relates to written correspondence only.

Typically, written correspondence is logged onto the Department's ECHO system<sup>24</sup> on receipt by an administrator in the PCU team or a Correspondence Officer in a ministerial Private Office. At this point it is categorised as one of the following types:

- **Private Office correspondence:** where an MP, Peer or other VIP has written to the Department. In the case of complaints, this is usually on behalf of a constituent or parent.
- **'Treat Official' correspondence:** where a member of the public requires an official response from the Department.
- **Other correspondence:** where the correspondence is judged not to require a response or is not relevant to the Department

Following logging of correspondence, 'Treat Official' or 'Other' cases are allocated to another member of the PCU team to be dealt with. Private Office cases are allocated to a member of POCMT.

Drafting of the PO cases takes place in the team, using advice and contributions from policy teams and clearing final drafts with senior policy officials.

For Treat Official cases the nature of the query or content of the correspondence determines the next steps and who in the Department undertakes work to respond. For simple or less contentious correspondence a member of PCU will draft a full response, using policy lines provided by policy teams where appropriate. More often than not in the drafting of a response, a referral is made through the ECHO system for assistance from the policy team. This can be in a number of forms:

- A request for a contribution: where a policy team member is asked to write all or sections of a reply.
- To review a complete draft: where a policy team member is asked to review a response written by a PCU staff member.

<sup>24</sup> ECHO is the Department for Education's management software for dealing with correspondence.

General guidelines are available to inform PCU staff decisions about when to pass correspondence to policy teams to compile a response but a significant degree of flexibility is required given the range of correspondence received. The customer service standards of the Department<sup>25</sup> include a target to reply to all written correspondence— both Private Office and ‘Treat Official’ - within 15 working days.

Where ‘Treat Official’ correspondence is passed on to policy teams a number of additional actions may be taken beyond simply composing a single response to any correspondence. The following steps are typical of what happens in a policy team when a complaint is passed to them for action and highlights the small scale informal handling of complaints by the Department as an additional mechanism for handling complaints submitted to the Secretary of State. Specifically, policy team members reported that for the majority of correspondence passed to them by PCU for their sole response they would undertake the following steps:

- Undertake a review of the correspondence, including any additional evidence submitted by the complainant/parent;
- Write an initial letter or make a telephone call to the parent detailing the policy team’s intention to examine the issues raised. Often at this stage, the policy team clarifies with the complainant that local complaints handling procedures have been followed and requests any additional information. The parent’s permission to contact the school as necessary may also be requested;
- Write to the school involved and follow up with a telephone call. This call typically serves to collect additional information and to clarify the information given by parents.

The steps highlighted above may be replicated by POCMT in regard to the correspondence they are responding to. Where correspondence is potentially eligible for review by the Secretary of State under powers of section 496 and 497, this is handled by policy officials and the steps taken are dependent on the nature of the correspondence.

The Department’s policy teams do not have any formal powers of direction in undertaking this complaints handling activity. Rather, the emphasis was reported by staff, to be on encouraging schools to reflect and evaluate their response to the parent’s initial complaint. Similarly, there is an emphasis on encouraging parents to review the basis of their complaint and to objectively view the action taken by the school:

*“Our work is essentially brokering the relationships between parents and schools, which have more often than not broken down. It’s a process of negotiation between parents and schools to get them to review the basis of the complaint and the action taken in response to it.”*

**(Department staff member)**

No direct evidence is available from parents who have been subject to these processes, but Department staff reported that on the whole parents appreciate this intervention. In particular, it serves to manage the expectations of parents as to what the Secretary of State’s complaints route can achieve in terms of outcomes.

<sup>25</sup> Available here: <http://www.education.gov.uk/aboutdfe/policiesandprocedures/a0028/customer-service-standards>



### 4.3 Scale of correspondence relating to complaints

A significant amount of written correspondence is received by the Secretary of State for Education every year. In 2010/11, for example, some 83,489 pieces of correspondence were logged by PCU/POCMT.<sup>26</sup> Analysis of a random sample of 200 pieces of correspondence from this period showed that seven (or 3.5%) were related to complaints or concerns about individual schools.

The issues to which the seven complaints or concerns related are detailed below

**Table 4.1 Issues raised by complainants**

Issues raised
Concern from parent about school's handling of bullying incident
Complaint from parent about provision of SEN
Complaint from parent about school/LA not implementing the recommendations of the SEN Tribunal
Concern by parent about teaching standards at a specific school
Concern by parent about the conduct of a head teacher at a secondary school
Complaint by parent about governing body failure to act on head teacher's decision to not implement SATs
Concern from parent about issues picked up by Ofsted inspection (lack of complaints procedure and inadequate child protection policy) which have not been acted on by individual school

*Source: Random sample of 200 pieces of correspondence*

Using the proportions identified from this small analysis exercise, it is possible to estimate the scale of correspondence about individual pupil issues that would have been received by the Department in 2010/11. The seven cases (2%) would equate to 1,564 pieces of correspondence raising concerns or complaints about issues affecting an individual child.<sup>27</sup>

A second purposive sample of 100 correspondence exchanges was selected by narrowing the sample to focus on certain Directorates and using key word searches. This sample allowed a more in-depth examination of the nature of complaints received by the Department, the use and relative effectiveness of school level processes and the response of the Secretary of State. The issues raised in the complaints were broadly reflective of the nature of complaints as reported by schools (see section 2.1.2) shown in Table 4.1. The subsequent sections of this chapter examine the content of these 100 correspondence exchanges in more depth.

**Table 4.2 Nature of complaints**

<sup>26</sup> Based on data supplied by PCU in May 2011. This includes 62,043 Treat Official pieces of correspondence and 21,446 Private Office cases

<sup>27</sup> Based on receipt of 83,489 pieces of correspondence in 2010/11

Issues raised	Number
Bullying	16
Behaviour and discipline	2
Curriculum	1
Exclusions	7
School Governance <sup>28</sup>	22
SEN	19
Teacher conduct	16
Uniform	2
Other	15
<b>Total</b>	<b>100</b>

Source: sample of 100 pieces of correspondence

#### 4.4 Relevance of correspondence to sections 496 and 497

Sections 496 and 497 of the Education Act 1996, provide powers to the Secretary of State to resolve disputes or complaints if he is satisfied that a governing body or local authority are acting or proposing to act “unreasonably” in the exercise of a power or the performance of a duty under the Education Acts, or has not carried out their statutory duties. Of the 100 complaints examined in more depth, it is clear that a significant proportion (89%) fall outside of the remit of the Secretary of State as they do not meet the procedural or legal requirements for intervention. This does not mean however, that action is not taken in response by policy officials. It was not possible within the scope of this study to examine any subsequent activity in response to the written correspondence.

There were eleven examples where the circumstances of the case indicated there may be grounds for the Secretary of State to intervene. Examples of cases that are relevant to sections 496 and 497 powers are provided below.

<sup>28</sup> Many of these complaints relate to policy issues overseen by school governors and are not complaints about governors.

**Table 4.3: Case study examples where Secretary of State's powers apply**

A parent wrote to the Secretary of State with a complaint about how a governing body has dealt with an initial complaint relating to a perceived illegal exclusion. It was alleged that the governors took over two months to hear the complaint and the resulting report contained serious mistakes. The Department's response suggests this case is within the remit of sections 496 and 497:

*"To help determine whether the governing body of your school has dealt with your complaint in an appropriate manner I have written to the chair of governors to request additional information. I will write to you again once my investigations are complete"*

An initial complaint by a parent about their treatment of her daughter escalated to a formal complaint to the governing body and subsequently the Secretary of State as the parent perceived that the original complaint was not investigated properly by a head teacher or the local authority.

*"To enable me to consider your complaint further I have written to the chair of governors at [name of school] to gather further information. I will write to you again once I have reached a determination as to whether the parties have acted unlawfully and/or unreasonably in addressing your complaints"*

Most commonly, however, most of the correspondence did not appear eligible for intervention by the Secretary of State as the local complaints route had not been exhausted. It would only be in very specific circumstances that he would intervene prior to these stages having been completed:

- In nearly half (45%) of the sets of correspondence analysed, it is not apparent whether the correspondent has already made use of the local complaints procedures before contacting the Department. The Department's response in these cases directed correspondents to local level complaints procedures (see below).
- In around one in ten (12%) of cases, the correspondent was explicitly seeking information about how to complain. This suggests a lack of awareness of local level procedures, and a possible misunderstanding about the role of the Department as the final stage in the process. This fits with findings presented in the main report, which points to limited publicity of complaints procedures by some schools and the need for an informational / signposting role to be performed outside of a school setting.
- Timing also appears to be an issue in the ability of the Secretary of State to intervene. In six cases, the parent engaged local procedures and wrote to the Department prior to receiving a response from governing body. The correspondence did not provide sufficient detail on timescales to comprehensively assess how many of these cases involved a delay or non-response from the governing body, however there is sufficient evidence to suggest that there may be a basis for intervention by the Department due to complaints being delayed 'unreasonably.' There were also no examples in the Department's replies that recommended timescales to correspondents for re-contacting the Department - correspondents are simply instructed to await the outcome from the governing body.

## 4.5 The Department's response

### 4.5.1 Who responds

Of the 100 pieces of correspondence examined in depth, the considerable majority (84%) of the responses from the Department were sent by a member of the PCU team. In the remaining cases, the response was drafted and sent by a policy team member. These proportions were replicated in the larger random sample (87% of responses were handled by PCU). There are several examples of correspondence being personally addressed to the Secretary of State but there are no corresponding examples in the sample where the Department's response came directly from the Secretary of State. Indeed Department staff acknowledge that members of the public would not receive a reply from a Minister. There is potential for correspondents to have had their expectations raised and to be disappointed that their correspondence was not dealt personally due to their literal interpretation of 'writing to the Secretary of State.'

### 4.5.2 Timeliness

The correspondence from parents and the Department's response was at times inconsistently dated. This, combined with the data extraction process for this analysis exercise which did not provide date information, prevented any robust analysis of the timeliness of the Department's response or whether the correspondence was routinely being responded to within the Department's customer service standard of 15 days. There appeared, however, to be some variation in the response times where this information was known, and a number of factors were at play:

- **Format of correspondence:** Where the correspondence was received by the Department in hard copy or was directly emailed to the Secretary of State there was inevitably delay in passing the correspondence to PCU which lengthened the response time. Alternatively, email communications appeared to be actioned more quickly.
- **Responding team:** Where the Department's response was provided by the PCU, these were typically issued within 5 working days of the initial correspondence being sent. Where a response was sought by a policy team, this delayed the response. In cases where timeliness of the response can be assessed, a response was typically issued within 3 weeks of the initial correspondence being received. The level of detail and tailoring of the responses sent by policy team staff provides some justification of the delay in these responses being issued (see below).

The limited number of cases where the Secretary of State can intervene under sections 496 and 497 limits what comment can be made about the broader timescales for investigating and reaching a decision on complaints. Evidence from wider stakeholders (as reported in the main report) suggests that no specific timescales are set for this stage of the complaints handling process, and that the open-endedness of the complaints process was found to be a huge issue for parents.

### 4.5.3 Tailoring the response

Positively, there is a degree of tailoring in most of the Department's responses through personally addressing the response and use of the name of the school and details of the issue where appropriate. Of the cases examined that were responded to by PCU, it was common for the responses to be primarily formed of standard paragraphs, the policy lines provided by policy teams. While the use of standard paragraphs in itself is not always a negative issue given the consistency it generates across the PCU team, its combination with limited reference to legal frameworks and signposting could be interpreted by correspondents as dismissive.

There were also a few examples where a more tailored and sensitive response from the Department may have been appropriate. The use of standard paragraphs where the correspondence outlined allegations of criminality or issues of child protection would not appear appropriate. In one case, a correspondent wrote to the Department to complain about a serious case of bullying, but there was an apparent problem with receipt of the full email. The Department's initial reply simply asked for the email to be resent without any acknowledgement or reference to the sensitive content of the correspondence. In another case, a complaint about an alleged physical assault by a teacher was responded to with general statements about teacher training and a referral to the governing body despite the parent having already pursued this route. The lack of tailoring and failure to reference the specific details of the case could appear insensitive.

Although no specific examples were included in the sample for analysis, the creation of a dedicated correspondence team to deal with PO cases was partly in response to concerns about quality assurance of letters. Part of the function of this team is to ensure that the correspondence produced is in keeping with the personal style and approach of individual ministers and that sufficient and up-to-date detail is provided so as to be helpful to correspondents. It is assumed as a result that correspondence from this team would demonstrate a significant degree of tailoring.

### 4.5.4 Legal frameworks

In just over half of the responses from the Department, some reference to legal frameworks were included which further demonstrated tailoring of the response. For example, several responses referenced the Education Act 1996 in respect of Special Educational Needs (SEN) provision. It is surprising given that the majority of correspondence referred complainants to local complaints handling procedures, that section 29 of the Education Act 2002 was only referenced in a handful of responses. Likewise, there was limited explicit reference to sections 496 and 497 Education Act 1996 in respect of the Secretary of State's powers.

There were isolated examples, however, where the Department provided a fuller response, outlining additional legal frameworks. Where this level of detail was provided it appears to add weight to the response and demonstrates a more tailored response.

#### Table 4.4 Case study example of referring to legal frameworks in responses

In response to a wide ranging complaint from a parent covering a lack of school complaints procedure and other concerns about the profile and representativeness of the governing body, the Department's response summarised a number of legal frameworks:

- The School Governance (Constitution) (England) Regulations 2007 which covers the election and appointment of governors
- Education and Inspections Act 2006 which requires all schools to take account of the views of parents.

Where responses were composed by policy team members, it was typical that a fuller and more detailed response was provided. In addition to reference to legal frameworks, a small number of these responses also detailed relevant policy papers. For example, two responses relating to issue of bullying made reference to schools' statutory duty to prevent bullying and the guidelines issued to schools (Safe to Learn: Embedding anti-bullying work in schools) which reinforces this duty.

#### 4.5.5 Referrals and signposting

In addition to the informational role undertaken by the Department in referring correspondents to local complaints procedures, there were 15 examples where the Department additionally, or alternatively, signposted or provided information on other routes for complaining or support agencies who may be able to help or advise. The following example indicates some additional information that was provided about issues around SEN:

- Informing correspondents of the support available through School Action Plus;
- Informing correspondents of their right to appeal through the Special Educational Needs Tribunal;
- In one case providing a copy of an information booklet- '*Special Educational Needs. A guide for parents and carers*';
- Signposting correspondents to a local Parent Partnership Service (PPS).

In two cases, the correspondence related to maintained nursery provision so it was suggested in the correspondence response that the correspondent should contact the Early Years Learning team at the local authority. In a further two cases, correspondents were signposted to Ofsted's complaint procedures, although varying degrees of information were provided. Actual contact details were given in only one of the examples analysed.

Encouragingly, in a fifth of cases, the Department's response contained signposting to external support agencies, principally:

- Advisory Centre for Education;
- Parentline Plus;
- Childline; and
- Citizens Advice Bureau.

In the main, the Department plays a signposting role, with the onus on correspondents to contact the various agencies suggested. While this is appropriate given the amount of correspondence received by the Department, there were examples of other cases where it is more borderline as to whether more proactive intervention is required due to potential safeguarding or child protection issues. For example, in one case where a complaint was made regarding child safety on school premises, the response referred the correspondent to local authority procedures. A more proactive intervention from the Department could perhaps have been made with a direct referral to child protection team at the local authority.

Positively, in two cases, there is evidence of this type of proactive referral, as illustrated by this extract from correspondence:

*The Department has forwarded your recent correspondence to the Director for Children and Learners for Government Office South West requesting that he reaffirm with the Director for Children's Services at Devon that all appropriate action be taken to ensure [child's name] safety.*

In a further example, the Department response indicates that a member of the policy team has been in touch with a local authority about an illegal exclusion and that LA contact will be in touch with the correspondent.

#### **4.6 Summary – Areas for Attention**

The review of a sample of 100 pieces of correspondence sent to the Secretary of State highlights a number of issues relating to the Department's handling of complaints and the powers of the Secretary of State under sections 496 and 497 of the Education Act 1996. Specifically, the Department may wish to consider the following:

1. There would be merit in considering additional fields on the ECHO system to more accurately identify correspondence which relates specifically to the Secretary of State's powers under sections 496 and 497. This would provide an ability to form a more accurate picture of the scale and handling of such complaints.
2. The mechanisms for referring complaints to the Secretary of State might be rationalised to reduce potential delays in the transfer of correspondence received from different routes. There may be a need to clarify what is meant by 'writing to the Secretary of State' so as not to raise expectations of a personal response.
3. The correspondence received by the Department clearly demonstrates a lack of awareness amongst parents of the local procedures for complaints handling and the role of the Secretary of State. In addition to increasing awareness of complaints handling processes more generally, the Department might consider providing specific information about the remit of the Secretary of State and the eligibility of cases for intervention, including the need to have exhausted local routes.
4. A lack of or missing information was often a key factor in the inability of the Department to act, and this underlies many of the more generic responses from the Department. There may be merit in providing guidelines for correspondents on how to structure their correspondence or what key information to include to avoid delays due to missing information.

5. The likely time pressures on PCU and the size of the team mean that the use of standard paragraphs are likely to be encouraged to maximize consistency. However, additional guidance might be issued to PCU staff to encourage appropriate tailoring and sensitivity where appropriate within the realities and pressures that the PCU works in. Policy teams need to ensure that the provision of policy lines are timely and are tailored appropriately for use in correspondence with member of the public rather than being too policy focused.
6. The guidelines for PCU staff on when to involve policy team members should be refreshed to ensure that appropriate use is made of staff with policy knowledge. The guidelines could usefully also include guidance on timescales to allow adequate time or notice is given to policy colleagues to contribute to correspondence.
7. Reference might be made to appropriate legislative frameworks on a more consistent basis, to add weight to responses.
8. The inconsistency in signposting to external support agencies warrants further attention, and might suggest a need for internal Departmental training and awareness-raising amongst the PCU team with regard to the available options.
9. An effective sifting process would help to ensure that correspondence is directed to staff with appropriate seniority or relevant policy teams to minimise any risks around safeguarding and to ensure that proactive referrals are made where any potential risks are identified.
10. More widely, there is a need to clarify the timescales for dealing with complaints under sections 496 and 497 and increase the transparency of the process for investigation and direction.



## 5.0 LGO complaints service– Lessons Learned from Planning and Implementation

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This chapter presents findings from the evaluation of the independent complaints service delivered by the Local Government Ombudsman (LGO). It reviews the effectiveness of the LGO service to date – covering all the stages from design to implementation, and examining the issues affecting the performance of the service. It also examines what, specifically, is additional to the service and the benefits it has brought.

### 5.1 Service design and development

The Apprenticeships, Skills, Children and Learning Act 2009 extended the LGO's powers to include complaints about internal school matters and the actions and decisions of teachers, head teachers and governors. This independent complaints service replaced the role of the Secretary of State in 14 areas.

In April 2010, the service began operating in four local authorities. The launch corresponded with the run-up to the general election, and the Department therefore advised that the service could not be further promoted during the Purdah period in line with established pre-election protocols across the whole of government. This was reported by LGO stakeholders to have negatively impacted on the development phase. The service began operating in 10 further areas in September 2010. By this point the coalition Government had announced in the schools White Paper, *The Importance of Teaching* (DfE, 2010), their intention to repeal the LGO service and to restore the Secretary of State's power to consider school complaints. The LGO service will continue to operate in the current 14 local authority areas until July 2012.

### 5.2 Service Implementation

As might be expected, the chronology of policy developments had a knock-on effect for the implementation of the service in the 14 participating local authorities. The individual aspects of implementation are now considered in more detail.

#### 5.2.1 Awareness-raising and publicity

LGO stakeholders felt awareness raising activity prior to the launch of the service in April 2010 was severely undermined by the delay in receiving final go ahead for the service. It was reported that there was limited time between the receipt of Royal Assent for the Act which extended LGO's jurisdiction and the start of the service in which to undertake awareness raising activity. This was also reported to have been limited, as no ring fenced resource was available to allow the production of publicity materials for distribution to schools, parents and local authorities and the corresponding pre-election period during which communications were restricted.

Local authorities included in LGO's jurisdiction in each wave of the service roll out were, however, unanimously positive about the nature and speed of communications with LGO during the implementation of the service. LGO were reported to have undertaken considerable outreach in terms of awareness-raising within the service areas with the aim of *“getting the LGO known”* with the schools and local

authorities. This was felt to have established more of “a two way conversation with local authorities and the LGO”.

Internal communication and publicity activities have been more mixed within local authorities. Some undertook their own promotional work such as disseminating information about the new service to schools, updating complaints process leaflets or featuring the service in newsletters. Others, however, were reportedly slower to communicate the availability of the LGO service, and local authority websites detailing the complaints process were not immediately updated. These variations were partly attributed to the changing nature of the relationship between schools and local authorities, which meant that communications was not always a high priority during a period of rapid policy change. Additionally, the existence of the service was not routinely promoted nor staff briefed on the changes in process in, for example, local authority contact centres or Families Information Services.

This mixed picture in terms of promotion clearly impacted on the level of awareness of the service amongst schools and parents. Those schools who responded to the survey from within the service areas were predominantly unable to comment on the levels of awareness within their school community and only a handful (5 and 6 schools respectively) reported awareness to be ‘very’ or ‘fairly high’. Similarly only one school rated awareness amongst parents as ‘very high’. A further 14 schools reported that awareness amongst parents was ‘fairly’ or ‘very low’, with the remainder of schools not being able to comment.

## 5.2.2 LGO training for schools and governors

One of the elements of the LGO service was the offer of training and professional development in relation to complaints handling. This comprised of a series of workshops for governing bodies, schools, Parent Partnerships and CABs, amongst others. The interview evidence suggests that this was one of the most valuable aspects of the service, and that much re-modelling of local procedures has occurred as a result,

*"The LGO has provided good practice for complaints handling... raising the profile with schools. Governor Development Services have benefited from free training... this has been great... If we [local authority] had a statutory role, we would have been able to do it, but we have never had the resource or the remit".*

**(Local Authority Representative)**

Though there was no pre-arranged programme for the delivery of training and capacity building to local authorities with the level of assistance varying from area to area, depending on local need, local authorities found this support to be a particularly attractive element of the programme.

There was a general perception amongst local authorities and some other stakeholders, that the response from schools to the new service has generally been positive over time, as they have realised the expertise that is available from the LGO at no cost. Schools have increasingly contacted the LGO team for advice.

LGO have stated that governors have found informal advice from team extremely helpful in deciding how to manage complaints effectively. Any assistance provided is clearly caveated and the LGO don't ask for details of case so that impartiality is not compromised.

### 5.2.3 Delivery mechanisms

Given its role in education complaints prior to the implementation of the new service, LGO already had a team of investigators and support staff in place. There are three autonomous offices each with an Ombudsman, based in Coventry, York and London. The three Children's and Schools teams work collaboratively across the offices and comprise a mixture of staff from across the existing service and new recruits.

#### 5.2.3.1 Overview of LGO service delivery – core processes

Initial contact from parents was facilitated through the Advice Team. Staff reported that parents predominantly (and are encouraged to) make telephone contact with the LGO initially (48% of initial contacts by telephone)<sup>29</sup>, as opposed to directly submitting a complaints application. This allows the Advice Team staff to take basic details on the case and assess its eligibility before it is passed on to an investigator. The Advice Team clearly had an initial role in screening out cases which are outside of the geographical jurisdiction of the LGO. To the end of February 2010, LGO has received 162 cases from outside the 14 areas which it has not been able to pursue, which suggests some sense of the demand for the service more widely.

The Advice Team reported they often fulfilled a signposting role for parents through this initial part of the process, particularly where complainants do not want to proceed further after discussing the process. Commonly, this involved directing parents back to the school level complaints procedures as the LGO are not able to consider complaints which haven't already utilised these internal procedures. No figures were available on the number of referrals by the Advice Team back to school level mechanisms. As reported earlier (in Section 2.2) this signposting and informational role is one which is also undertaken by local authorities further highlighting the lack of awareness of school level process. It also suggests some potential duplication with the local authority role, however, stakeholders highlighted that the local variation in local authorities undertaking this role reduced the potential overlap somewhat.

Signposting to other complaints routes was also a role undertaken by the LGO Advice Team which was welcomed by these agencies. The LGO's memorandum of agreement with Ofsted with regard to signposting and information-sharing about complaints was re-drafted to reflect the changing powers of the LGO within the 14 local authorities under the service. This was perceived to have facilitated "two-way-traffic" with LGO referring complaints to Ofsted, where it transpires that a whole school issue is involved and Ofsted now able to refer to LGO.

If after recording the basic details of a case, it is assessed as eligible to be investigated by the LGO, the Advice Team passes it to an investigator dependent on the broad location of the complainant. The allocated investigator then undertakes some preliminary investigation, typically involving direct contact with the complainant to assess the eligibility of the case for further investigation. At this stage, if it emerges that the local procedures have not been fully exhausted, an investigator may directly contact the school rather than just signposting the parent to the local procedures. Data provided by LGO suggests that 63 cases have been closed due to premature contact by parents. If the legal basis exists, the investigator will undertake additional information gathering exercise, typically contacting the school and examining files as appropriate.

<sup>29</sup> Data provided by LGO in December 2010

### 5.2.3.2 Parents' experiences of the delivery model

Parents' overall experiences of the service received by the LGO were mixed, with their verdict seeming to relate closely to the outcome (see Section 6.2.2 for further discussion).

All of the parents who were interviewed chose to contact the LGO as soon as they became aware of the service. Most were seeking an alternative route to progress their complaint at the time, although a few described the service as a "*last resort*". It was not clear whether they would have alternatively accessed the route offered by the Secretary of State in the absence of the LGO service. Awareness was usually raised externally to the school – by the local authority, external organisations, or one of the appeals panels. Some parents had also seen publicity on the internet.

In a few cases, the school reportedly tried to discourage parents from taking the LGO route; claiming that it would extend the duration of the complaint, or expressed disappointment that the parent had seen fit to involve an external organisation in a sensitive matter that was felt to be resolvable internally to the school.

Those parents reporting a positive experience were slightly in the majority within the interview sample. The reasons they gave were that:

- the LGO was effective at re-engaging the school in the complaint;
- they were perceived as very impartial;
- processes and procedures were made easily understandable; and,
- more intensive support was available if needed.

Regardless of their feedback on other aspects of the service, most parents were satisfied that the LGO had clearly explained the process. In many cases it was the first time they had an understanding about the whole complaints process and the information to which they were entitled. Where negative feedback was received, it principally related to the following issues:

- the LGO was seen to be "*too detached*", and did not keep the complainant closely involved;
- decisions were reached too quickly and lacked thoroughness;
- there was a disproportionate focus on procedural compliance;
- there was a tendency to side with the school.

It should be taken into account, however, that the LGO always issue provisional views to both sides to enable comment and identification of anything that may have overlooked. So parents always have the opportunity to comment on findings before a decision is issued.

The qualities of the service valued by some parents were often the same ones that invoked a negative response in others. For example, a light touch approach to gathering evidence was described as "efficient" by some, but was thought by others to be a sign that the investigation was "rushed".

### 5.2.3.3 Troubleshooting and areas for attention

One potential area for improvement in the delivery of the service emerged from local authority stakeholders, who reported a lack of subsequent feedback from LGO. Local authority stakeholders specifically reported that there was an expectation that they would be informed of any complaints going to LGO and the associated outcomes. This was perceived by local authority stakeholders to have a number of potential drawbacks as follows:

- **Monitoring and performance management** – at quite a basic level, the lack of data from the service was found to be frustrating. The local authority was sometimes in the position of lacking information about progress or status of complaints that was held by parents or schools. This put them in a difficult position in the event that either party made any further requests for support during the course of the complaint.
- **Relationships between LGO and local authority** – the lack of on-going communication was also thought to have detracted from the positive relationships that were set in place at the start of the service.
- **Risk of duplication or conflict between different remits** – in one example, it transpired that the LGO was investigating a complaint where the local authority was providing mediation. This posed a real risk of the parent or school being offered inappropriate advice. As the local authority representative noted:

*"If the local authority had been continuing to advise and promote the complaints procedure when the complaint had been taken away from the school's complaints procedure by the Ombudsmen, there would be a procedural issue".*

LGO stakeholders, however, reported that it was their intention to provide anonymised statistical information to local authorities on the number and nature of complaints received over a given period. Information arising from individual complaints can also be provided where matters arise relating to local authority functions. This feedback on individual complaints, however, was never intended to become routine for all cases which appears to be the expectation of local authorities.

A further potential issue was highlighted around **evidence-gathering**. Although the majority view was that the LGO took a light-touch approach towards making data requests from schools and parents, some isolated concerns were voiced by local authority stakeholders about the burden on schools due to information requests from investigators. An example was given of one school which was asked to provide what was perceived to be "excessive amounts of information" to the LGO in relative short timescales. This information was requested during the scoping stage to decide to take the case further. There was concern that the requirements of the investigation needed to be more effectively balanced with the time and resource constraints of school staff.

## 5.3 LGO performance

In commissioning the LGO service, the Department chose not to set performance targets relating to numbers of complaints handled by the LGO, or average times taken to reach a decision. This was mainly due to the absence of reliable data upon which to predict the level of demand, prior to the launch of the service. Nevertheless, the LGO has provided statistical returns to the Department that provide an insight to the service's performance.

### 5.3.1 Numbers and geographical distribution of complaints

Between April 2010 to April 2011, the LGO received a total of 224 complaints from within the 14 local authorities, of which 129 were deemed to be investigable under the remit of the new service<sup>30</sup>. Most of these complaints were received directly via the Advice Team helpline, but a small number of cross-referrals were also made<sup>31</sup>. A further 203 complaints were received from local authorities outside of the service.

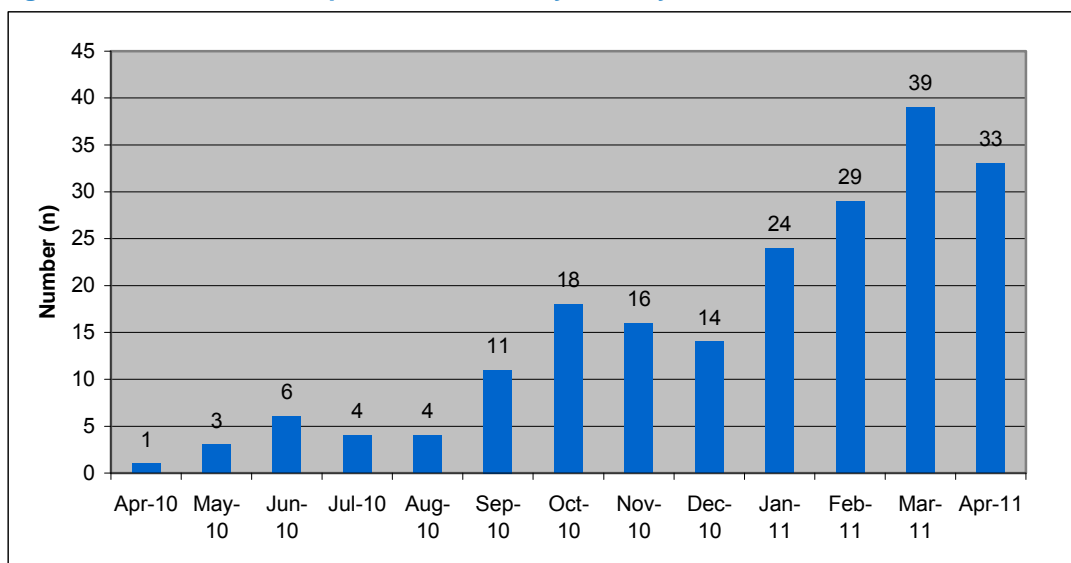
Time series data provides a further insight to the through-flow of complaints during the service's operation (Figure 5.1, overleaf). The chart illustrates that the numbers of complaints received by the LGO were very low during the initial months of the service. The Purdah period for the 2010 election was thought to be the over-riding factor that depressed the numbers during this time, with a requirement for "zero publicity" during the initial launch in April 2010 when the LGO originally intended to initiate a programme of awareness-raising with schools.

The LGO data shows a marked increase in the volumes of complaints during the start of the new academic year in September 2010, and again corresponding with the additional ten authorities brought into the service in October 2010. This is followed by a steady rise in numbers during the first quarter of 2011, peaking at 38 complaints in March – a trend that some stakeholders thought was likely to be as a result of parents and schools seeking to take action to progress any outstanding complaints before the spring break in April 2011. The figures for April 2011 consequently represent a drop as a result of the holiday period.

<sup>30</sup> A proportion were deemed not suitable for investigation as they were prematurely brought to the LGO as the complainant had not exhausted local routes for redress or they were outside of the 12 month window within which the LGO can investigate.

<sup>31</sup> Ofsted has a memorandum of agreement with the LGO with regard to signposting and information-sharing about complaints. This was re-drafted with the launch of the new service, to reflect the changing powers of the LGO within the 14 LAs. On average, there have been 5 complaints per month referred under the terms of the new service. These have mainly been about primary schools.

**Figure 5.1 Number of complaints received by LGO by month**

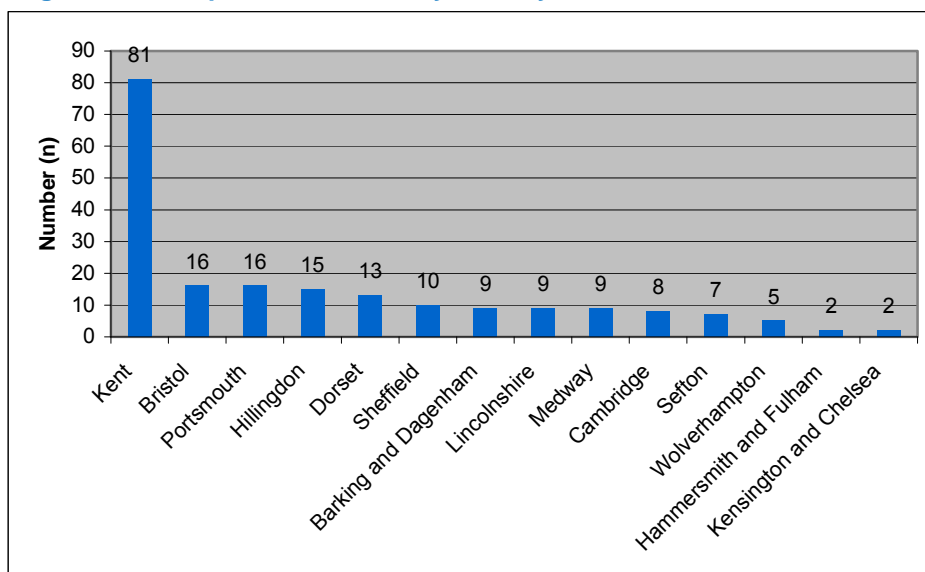


Source: Data provided by LGO May 2011. Base: 202 complaints.

There were mixed views amongst interview respondents as to how far the take-up for the service reflects true levels of demand. Certainly, the data seem to reinforce the view commonly expressed by school and local authority representatives – that overall numbers of complaints requiring intervention beyond the school route are likely to be small. Indeed, the averages for the service as a whole are considerably skewed upwards by the Kent data, which accounts for over 40% of all complaints received by the service (see below). However, the LGO noted that absence of a dedicated publicity budget has almost inevitably had an impact on the potential take-up for the service. The training and awareness-raising for schools highlighted the need to build trust in the service to make referrals.

The LGO data also shows how the numbers of complaints are distributed between the 14 local authorities (see figure 5.2). The variations in numbers would seem to partly reflect the relative size of the individual authorities, and the 'staggered' approach to implementing the service in two separate waves. The interviews also highlight that the local authorities participated in the LGO training and awareness-raising to a varying extent, and indeed that attitudes towards the service amongst schools and local authorities exerted an influence.

Figure 5.2 Complaints received by LGO by area



Source: Data provided by LGO May 2011. Base: 202 complaints.

Kent stands out as being somewhat anomalous in the very high numbers of complaints received. Although the authority is by far the largest involved in the service, the interviews show that the level of promotion and training was also particularly high. The LGO reported a high level of demand from schools and Parent Partnership Services for LGO training, whilst the local press were also reported to have taken an interest in the service: "...this was very open and well publicised". The local authority representative for Kent noted that the numbers of school complaints made by parents directly to the local authority once the service was available fell during the initial period of operation. These data were thought to correspond with the pattern of complaints received from Kent by the LGO, indicating that the awareness-raising activities were successful and that parents were being effectively signposted to the service.

### 5.3.2 Types of complaints received

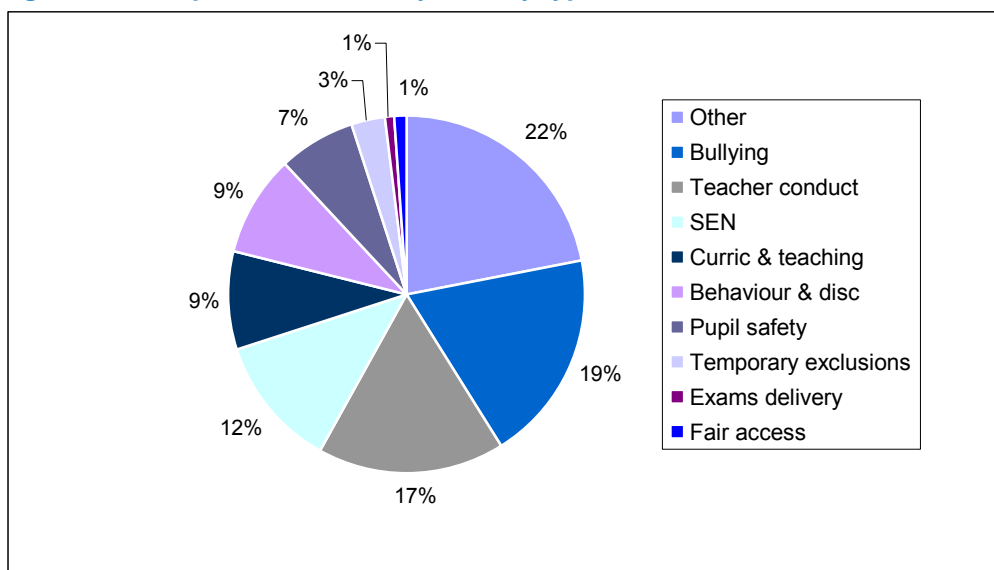
The LGO data shows that the numbers of complaints were fairly balanced between the main school types.

- Secondary schools accounted for just over half of the total complaints received (55%);
- Primaries accounted for the remainder in percentage terms (45%), although it is not clear from the data whether this category also includes local authority maintained nurseries, and if so whether the figures can be further broken down; and,
- A single complaint was received from a complainant where the child was attending a special school. The reason for such a very low response was almost certainly to do with the low numbers of such establishments. However, there is some evidence from the research literature and interviews that parents can be averse to complaining about special schools, despite the issues giving rise to complaint being potentially more complex (see also Section 2.1.3).

A breakdown can also be provided for the types of complaints received, based on the categories used by the LGO, produced in consultation with DfE, for their data recording (see Figure 5.3 overleaf).



**Figure 5.3 Complaints received by LGO by type**



Source: Data provided by LGO May 2011. Base: 224 complaints.

As might be expected, the issues giving rise to complaint were very similar to those seen through the school survey, although their proportions differed to some extent (see Section 2.1.2). Aside from those miscellaneous complaints not falling under any of the main categories recorded by the LGO:

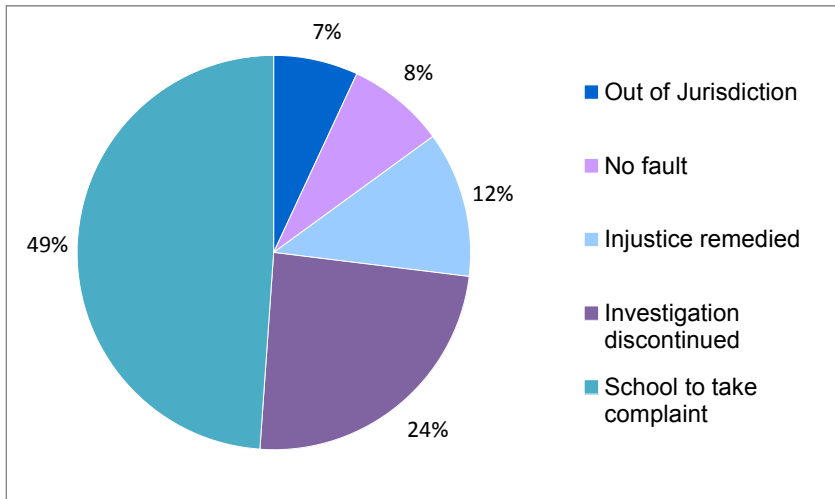
- bullying and teacher conduct were the most reported complaints; each accounting for just under a fifth of complaints (at 19% and 17% respectively);
- one in eight complaints related to a SEN issue; and,
- one in ten related to behaviour and discipline (9%), or curriculum and teaching (9%).

The main distinction from the school survey was the lower prominence for complaints relating to behaviour or discipline, which was the highest category for schools. This might partly be explained by the fact that complaints of this nature are more likely to be resolved at the informal stage, without recourse to independent investigation.

### 5.3.3 Decisions reached and time taken

The LGO records information about the decisions reached for individual complaints, and the time taken in each case (in days and weeks). Decision information was provided for 44 individual complaints up until end May 2011. 129 investigable complaints were recorded during this period; while some have been closed the consideration of others are still on-going. The service monitoring data further allows decisions to be grouped into 'types', using categories provided by the LGO (see Figure 5.4 overleaf).

**Figure 5.4 Decisions reached by LGO by type**



Source: Data provided by LGO May 2011. Base: 129 complaints.

The chart illustrates that LGO involvement prompted various courses of action by schools and parents:

- The school took responsibility for handling the complaint in half of the complaints where the LGO was involved (49%). The interviews suggest that this was either because the complaint was deemed to be 'premature' – having been referred before the school procedure was exhausted, or because the prospect of an LGO investigation encouraged the school to take a more robust approach. This action did not necessarily represent 'closure', however, and premature complaints might feasibly re-emerge if the school procedure was exhausted without being resolved.
- The investigation was discontinued for around a quarter of complaints (24%). The interviews showed that it was not uncommon for the complainant to stop when the investigation gave them a more complete picture of the action taken by the school, and they were satisfied that the issue had been taken seriously. A misunderstanding about how the school had addressed the complaint was sometimes thought to be due to poor communication, and other times because the school could not give disclosure all of the details for legal reasons (e.g. following child protection guidelines).
- Relatively few of the complaints were investigated to the stage where it was necessary for the LGO to reach an independent decision in favour of school or complainant. One in ten complaints were found to have substance and remedied (12%), whilst slightly fewer were dismissed on the basis of 'no fault' by the school (8%).
- A few complaints were judged to be out of jurisdiction for the LGO service (7%). The interviews suggest that a number of factors were involved. In some instances, the investigation revealed that the original complaint was in fact much older, going back a number of years. Such complaints were rarely pursued due to a lack of evidence, or because the child in question had since left the school.

No complaints were recorded in the LGO categories of 'referred out to another agency' or 'vexatious'. This is perhaps surprising, given that vexatious complaints were highlighted as a common problem for schools within the survey. It is unclear whether vexatious complainants are less likely to seek independent advice, or whether complaints of this nature were filtered-out by the LGO at the initial point of contact. The LGO consider that many complainants who have been classified as vexatious by local

authorities actually have an entirely valid complaint which has got lost along the way due to challenging, difficult or unacceptable behaviour. In addition the LGO have stated that while schools may feel a complainant is vexatious to date the Ombudsman have nevertheless investigated these complaints in an attempt to gain closure for both parties.

A number of examples of cases concluded by the LGO are illustrated below:

<b>Case settled in parent's favour</b>	A parent made a complaint about frequent unofficial exclusions of their child who had SEN. LGO concluded in the parents favour and the school altered its practice.
<b>Case settled in school's favour</b>	A long-running complaint by a parent who objected to the use of the Simpsons TV show being used as part of a teaching module was rejected after LGO investigation found that the school had no case to answer and the complaint had been dealt with by the school correctly.

Consultations with LGO staff indicate that financial remedies were rarely imposed on schools. Typical remedies included instructing the school to issue an apology, and / or to review policies or procedures to ensure that they reflect current best practice. The LGO have also actively implemented discretionary remedies in several cases. These include actions such as:

- encouraging a school to review a policy or procedure; or
- giving staff training to prevent similar injustice arising again in the future.

In a small number of cases mediation has been offered to a school which has generated a positive outcome for all parties. While this has occurred in a relatively small number of cases, it represents some added value from the existence of the LGO service as in the absence of the LGO this intervention would only have been available if offered by another party.

### 5.4 Costs and Benefits of the Service

At this stage, the outcomes from the LGO service are on too small a scale to quantitatively describe the relative contribution or benefits of the service.

Data supplied by the LGO suggests that the cost per complaint under the LGO service is comparable with the cost per complaint in relation to local authority issues that LGO also oversee. Specifically, it is estimated that each complaint costs around £820 to resolve. While the two processes may deliver different levels of service, this provides the most accurate estimate of the costs in relation to the new complaints service.

Data supplied by LGO suggests that on average cases took just under twelve weeks to resolve (11.7 weeks). The overall range was very wide, however, ranging from one day to 41 weeks. LGO stakeholders acknowledged that there are numerous stages in their approach to handling a complaint including initial evaluation, investigation/enquiries and decision making. Typically, it was reported there was no one stage in particular that determined the overall duration for resolution. The complexity of the individual complaint was thought to be a significant driving factor, with more complex cases requiring greater amounts of time at all stages of the complaints handling process. As an illustration, figure 5.5 below details the stages and timings associated with one complaint investigated by the LGO.

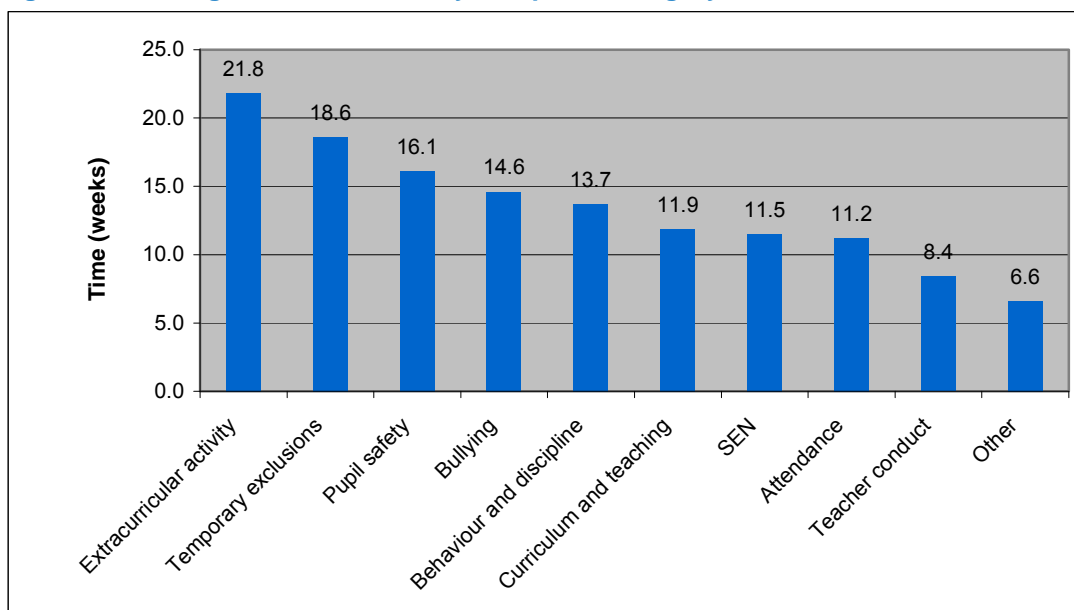
**Figure 5.5 Indicative timescales for resolving complaints**

Investigation Stage	Start Date	Finish Date	Elapse Time (days)	Resource	Resource Time (hrs)
<b>1. Evaluation</b>					
Background research	06/09/2010	06/09/2010	1	Office administrator	1
Screening to check case is eligible	07/09/2010	07/09/2010	1	Investigator	3
Preparing, making & documenting initial call to complainant and other parties	07/09/2010	07/09/2010	0	Investigator	2
<b>2. Enquiries</b>					
Analysing response (s) from complainant/other parties	09/09/2010	09/09/2010	2	Investigator	1
Drafting provisional view	09/09/2010	09/09/2010	0	Investigator	2
<b>3. Provisional View</b>					
Preparing & sending provisional view to complainant & other parties (including note on remedy)	09/09/2010	09/09/2010	0	Investigator	1
<b>4. Decision</b>					
Preparing & distributing decision letter, explanatory letter to complainant & remedy action letter	01/10/2010	01/10/2010	22	Investigator	1.5
<b>5. Post Decision</b>					
Complete case summary	01/10/2010	01/10/2010	0	Investigator	1

No comparable data on resolution times was available to test the claims that LGO resolved cases more quickly than would have been possible if the complaint had been considered by the Secretary of State.

The LGO data also shows that complaints of different types varied to some extent in their average duration, as is illustrated by Figure 5.6 overleaf. The total numbers of complaints per category were sometimes very small, and the findings should therefore be approached with caution. The chart shows that the variances between *categories* of complaints were less pronounced than between *individual* complaints. This again reinforces that the circumstances surrounding individual complaints have a significant influence, and that it would be very difficult to predict likely resolution times based on a categorisation of complaints by type.

**Figure 5.6 Average decision times by complaint category**



Source: Data provided by LGO May 2011. Base: 48 complaints.

Other positive benefits associated with the speed of resolution were highlighted as a potential reduction in missed lesson time for pupils and cost savings for schools in terms of a reduction in the staff time incurred in handling complaints. The LGO noted how the efficiency of the complaints handling process by the investigators was also a strong point, as the team includes specialists with a high level of experience in the sector and only gathers “targeted” data from the school to support the complaints handling process, rather than taking more of an auditing approach.

No robust or quantifiable data on costs effectiveness was available from the LGO or the Department to allow further analysis at the time of writing this report. Limited data available from schools and local authorities undermined any benchmarks or comparison.

## **5.5 Additionality of the LGO complaints service**

The additionality of the service to date is more clearly evidenced through qualitative data, and especially around the process of complaints handling or more intangible benefits for both parents and schools. Emerging strongly from the interviews with parents and stakeholders was a consensus that the key strengths of the LGO service are its accountability, independence and expertise.

### **5.5.1 Enhancements to the existing non-statutory route**

The creation of the LGO service was held up by stakeholders as a positive development to fill the perceived gap in the complaints handling process between school level procedures and the intervention of the Secretary of State as the next stage of recourse.

*“Involvement of the LGO is a very positive step removing some of the responsibilities for resolving issues from the Secretary of State. We think that is probably an innovation in the right direction.”*

**(Local Authority Representative)**

Other benefits of the LGO model of delivery compared to that offered by the Secretary of State were highlighted as offering a 'human' service through the Advice Team which can be contacted on the telephone. The LGO was also perceived to offer more accountability in the process for handling a complaint as a result of the more transparent process and timescales as demonstrated by these stakeholder views:

*"The LGO at least make it clear in their publicity materials how they deal with complaints and the anticipated timescales, in contrast to the uncertainty around what the process is and how long it will take for resolving a complaint once it has gone to the Secretary of State."*

**(Local Authority Representative)**

*"This is a much clearer public process under the LGO... parents don't have to work their way up to the top of the system every time they wanted to make a complaint...The LGO fitted those requirements much better than letters going to the Secretary of State".*

**(National Stakeholder Respondent)**

In contrast, there was isolated concern and initial scepticism from one or two local authorities that the introduction of the LGO service was simply adding an additional layer to the complaints procedure.

*"At the time we were fairly sceptical about whether there needed to be a separate complaints procedure and local authority involvement, we did say if there was going to be that provision there must be independent scrutiny".*

**(Local Authority Representative)**

Other stakeholders went further to suggest that there was no need for a separate complaints body for schools, highlighting that that no equivalent exists in other walks of life. These stakeholders were typically those who were further removed from the complaints handling processes. Concerns were particularly expressed that the service provided an opportunity for issues to be taken further than there is the legal basis to do so which detrimental for schools:

*"The LGO gives vexatious parents another route to complain and this just creates problems for the school...the amount of time the school has to spend on that is, totally ridiculous...So we end up with a legal process without a legal process".*

**(National Stakeholder Respondent)**

This concern was allayed somewhat for some as a result of the strong emphasis on it being an independent service:

*"It feels to us having someone external, neutral and professional outweighs our initial concerns about additional layers in the procedure."*

**(Local Authority Representative)**

There was strong evidence from complainants and external stakeholders that the key added value of the LGO service was the perceived impartiality and independence it brings to the complaints handling process. The Secretary of State would likewise offer this independence but while it is intended that the governing body or local authority offers this impartiality, there is clear evidence that parents did not perceive that this independence existed in all cases (see section 3.4.2). Stakeholders and parents specifically highlighted that by the time any complaints get to the governing body panel, the trust between parents and schools had more than often broken down to such a degree that parents didn't see the governing body stage of the complaints handling process as an independent or fair. The perceived independence of the LGO was clearly a key motivating factor for parents to contact the service:

*"I was angry about the 'independence' of the [governors] complaints panel, they weren't impartial at all. I hoped this one would view things independently."*

**(Complainant, female)**

Stakeholders additionally highlighted a perception that the LGO as being able to offer independent intervention to save the relationship between school and parent, which of course needs to continue beyond a complaints resolution:

*"The main benefit of the LGO has been in salvaging the home-school relationship. At the end of the day the child has to continue going to the school. All parties are able to save face by the case being heard by LGO."*

**(Local Authority Representative)**

Additionally, being emotionally detached from the case was highlighted as being beneficial:

*"This external view offered by LGO can diffuse things as it operates outside of the direct environment where parents are emotionally involved."*

**(National Stakeholder Respondent)**

The LGO's input here was particularly welcomed by stakeholders where schools perceived the complaints were being brought by vexatious parents. Investigation by the LGO where it ruled in favour of a school or governing body was recognised as being crucial to help validate the schools' position, in the event that a parent had made longstanding or perceived unfair claims about the school. Where a parent attempted to re-engage with a school on the same issue or re-open the case, the LGO had a consistent line that cases cannot be re-opened once investigated unless new evidence or information was produced. The LGO was felt to "offer a degree of protection for schools." Even where the LGO upheld the complaint, for some schools it was reported that there was sometimes a sense of relief on the part of the school that the LGO has stepped-in. This was particularly helpful where schools and local authorities felt they had "come to the end" of their options for handing a complaint, and weren't able to see a way forward. Having the service in place has provided an extra option for breaking the deadlock:

*"The LGO offers a fresh and unbiased look...which may bring about a clearer more acceptable resolution to the more difficult complaints"*

**(Local Authority Representative)**

## 5.5.2 Building capacity within schools and local authorities

The wider experience and expertise that the LGO has from its other complaints handling roles and wider responsibilities was additionally highlighted by stakeholders as a key benefit of the new service. Stakeholders recognised that LGO deals with such a diverse range of complaints that it was able to bring a significant amount of expertise to bear in delivery of the new service. From the LGO's own perspective, there has been a conscious effort to transfer established good administrative practice around complaints gained from work with local authorities under the existing remit, and to extend this into schools. This work has focused on "... *the nuts and bolts of good practice in complaints handling processes*", with a particular emphasis on strengthening:

- communications;
- complaints recording; and,
- key concepts - the difference between complaints and concerns.

There is evidence that this transfer of good practice has been achieved to a significant extent – both through the dedicated package of training provided by the LGO to schools, governors and other organisations, and through the wider networking, advice and support provided through the course of handling individual complaints.

*"Very few schools or local authorities would have sufficient numbers of complaints to build up that level of expertise internally. That level of experience is a significant strength of the LGO delivering this service."*

**(Local Authority Representative)**

*"The LGO complaints service has had an important empowering affect on governors, by strengthening their knowledge of the system and encouraging them to become more pro-active in hearing complaints – even where this directly challenges the head teacher's viewpoint."*

**(Local Authority Representative)**

There was tangible evidence in some areas that the LGO service has increased capacity for complaints handling. Specifically, one local authority reported a perception that it has received less calls to its Governor Development Services team since the introduction of the LGO Service.



### 5.5.3 Synergies with other mechanisms for handling complaints and disputes

The operation of the service showed some evidence that the LGO's extended remit stands to complement other formal channels for complaining.

#### 5.5.3.1 *Managing 'hybrid' complaints – education plus social care / maladministration*

In a few cases (again relating to SEN), the parent appeared to have several 'live' complaints running concurrently – one via the statutory route in relation to entitlements or maladministration, and another following the non-statutory procedure. For parents in the service areas, this enabled the LGO to oversee both sets of processes for the same family. This was thought to be a more joined-up approach that stood to streamline the complaints processes, and allow for greater consistency in the parents' experiences of the two complaints.

In another example, the local authority described a "twin track" complaint that involves an LGO investigation under their new remit, and an existing social care complaint made by the same family. There social care complaint was already underway when the parent opted to make a further complaint to the LGO about the school's conduct towards the pupil. This complaint was made directly by the parent. The local authority reflected that this is something of a test case, as there are now two outstanding complaints, which are being investigated separately, but with the LGO providing over-arching support. This situation is thought to have potential benefits, but has not yet been seen to a conclusion.

#### 5.5.3.2 *Synergies with the Ofsted remit for complaints handling*

Further potential synergies were identified with whole school complaints managed by Ofsted. The main reported advantages of the LGO service in this respect were that some potential time / efficiency savings were thought to arise from the fact that parents can be swiftly referred. However, the overall numbers implicated are low; largely because schools in only 14 local authorities are within the LGO's remit.

The synergies were described in terms of "two-way-traffic":

- The LGO has referred complaints to Ofsted, where it transpires that a whole school issue is involved. There are a small number of instances where this resulted in an earlier inspection than would otherwise have been possible;
- Conversely, it was noted that an Ofsted inspection report can be a powerful source of independent evidence for the school in the event that it has been the subject of unfair complaints by parent(s). LGO stakeholders, however, reported that their investigations are based on a much wider evidence base.

These synergies were at an early stage of being tested, however, given the relatively short timescale for fully embedding the LGO model in relation to more established statutory mechanisms for complaining.

A priority was highlighted by Ofsted to clarify how or whether LGO evidence about individual complaints can be utilised as part of the inspection regime. For example, 3 or 4 separate complaints from the same school about a common issue (e.g. staff conduct or bullying) could be an indicator of a more systemic problem within that school. Potentially, this information could be used to support the earlier identification of whole school issues, and to improve Ofsted's ability to investigate before problems escalate. In practice, however, this overlap between LGO and Ofsted remains a grey area, and the legal dimensions have yet to be fully scoped-out.

## 5.6 Challenges and barriers to implementation

A number of challenges were highlighted for the LGO service. These are envisaged to gain in significance into 2012 and beyond, and can be summarised as follows:

- **Maintaining fairness and consistency between maintained and independent sectors** - The position with the new Academies was also thought to be causing some difficulties for maintaining a fully coherent national system for complaints. On the one hand the role of an independent service was highlighted by stakeholders to be increasingly crucial as more schools move out of local authority control. However, deregulation means that schools will move out of the specific jurisdiction of the LGO, as they change from maintained to Academy status. These types of issues were more widely echoed by schools and local authorities, who expressed some concern of a two-tier system emerging at a local level until schools reform is fully implemented.
- **Ensuring continuity for schools and parents through policy and legislative change** - The LGO drew attention to a scenario (which has arisen in recent cases for school admissions), whereby an investigation might start with the LGO, but would be subject to review when the school changes legal status to an Academy. The preferred course of action would be for the LGO to continue the investigation, as the new academy takes on responsibility for the previous school's commitments. However, this would present problems if an academy did not agree with LGO recommendations. For complaints running over a period of years, there were concerns that this could be a setback for the family.

## 6.0 Resolution and Outcomes from Parental Complaints

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This chapter examines the impacts and outcomes from complaints, for parents, pupils and schools. The chapter first considers the personal and emotional impact of issues giving rise to a complaint; how this can affect the subsequent stages of the complaints process, and how any further negative effects can be mitigated. It then goes on to examine the different ways in which complaints are 'resolved', including the main types of outcomes, their fairness and appropriateness. Finally, the chapter considers the main differences in the end point for complaints under the LGO service and for parents in the other 138 local authority areas, and highlights some ways in which feedback on the outcome of complaints might be improved from parents' perspectives.

### 6.1 Personal and emotional impact of complaints

The interviews highlighted the personal and emotional effects of a continuing complaint on the family concerned, and sometimes on school staff and others who were involved.

#### 6.1.1 Parents and carers

Parents commonly reported finding the complaints process "stressful", "draining", or "upsetting", whilst also incurring significant amounts of time in attending meetings and chasing-up correspondence. This sometimes entailed missing periods of work.

*"I work full time. My wife's a teacher part-time. We have two kids and are very busy. The complaint has caused massive emotional problems"*

**(Complainant, Male)**

It was also fairly common for parents to report a strain on family relationships as a result of the complaints process. In some instances this was due to disagreements as to how the complaint should be handled, with some partners advocating a stronger approach, and others feeling that the parent had become obsessive or should give-up. Some individuals also reported feelings of isolation; as a result of breakdown in relationships with the head teacher and other school staff, or with other parents who were implicated in the complaint.

These findings are consistent with the national evaluation of SEN Disagreement Resolution Services (DRS), which also found that disagreements - and the steps to achieving their resolution - often took their toll on parents' health and wellbeing. Parents commonly described the experience as "*emotional and frustrating*", and reported personal impacts that included "*exhaustion, depression and stress*" (DCSF, 2008, p.3)

Whilst the complaints *process* could be highly demanding and emotional in itself, by far the main cause of stress was the ongoing concern about the *child's situation*. As might be expected, the level of concern was proportional to the seriousness of the complaint – parents reported greater concern where the child's wellbeing was perceived to be at a continuing risk as a result of inaction by the school, or where there were underlying concerns that their child was continuing to receive inadequate support. This was

especially problematic for long-running complaints over a period of years, where pupils with SEN were at the centre of a continuing dispute between family and school, of which the complaint was just one element.

### 6.1.2 Pupils

A variety of consequences were also reported for pupils from a continuing complaint. It was not uncommon for schools to report disruptive classroom behaviour or inappropriate conduct towards members of school staff, which were sometimes disputed by the parent as being a result of the school "singling-out" the pupil as a result of the complaint. Disruptive behaviour was particularly noted where the pupil had an existing conduct disorder, and their coping strategies for the complaint were more difficult to manage. One parent described that:

*"He [pupil] was involved in a nasty way during the complaint. He says all sorts of strange things like, "my mum's gonna get you", but the school should have been more child-savvy. He is very vocal and opinionated"*

**(Complainant, Female)**

Other reported behaviour changes included pupils becoming withdrawn and reluctant to attend school, and periods of truanting. This more often related to the original issue giving rise to a complaint, such as bullying or a dispute with a member of school staff, although some pupils were thought to have disengaged from their education because they perceived that the complaint was not being handled fairly by the school. In a few instances, a temporary exclusion was imposed while the complaint was investigated, and / or the pupil was receiving part-time education at a Pupil Referral Unit. Other scenarios included parents withdrawing their child from the school for periods of time, or even moving their child to a different school. The latter was sometimes discussed as part of a complaint relating to the educational provision for pupils with SEN, with parents arguing that the school was not meeting the child's needs, and the complaint providing a focal point.

In several examples from the interview sample, the pupil had reportedly been exposed to further potential harm; either as a result of inertia by the school, or following a breach of confidentiality. In one case, a pupil who had complained about being assaulted at school was subjected to a further assault several days later. This incident followed the allegations becoming widely known by other pupils, before the school took investigative action.

### 6.1.3 School staff

The personal and emotional effects were also found to extend to those involved with the school's side. Head teachers sometimes described the unpleasant or "aggressive" manner of parents in relation to complaints, and the sense that the matter had been turned into a personal campaign against them. This issue was also reported by a number of the local authority representatives who were interviewed. One respondent observed how prolonged vexatious complaints could have a profound impact on head teachers. He cited examples where the head teacher had taken extended sick leave or even left the school following an embittered complaint that had implicated them professionally and personally.

## 6.2 Resolution and outcomes from complaining

Local authority and school staff cited numerous examples where complaints had been resolved satisfactorily following the model complaints procedure for schools, and without a need for additional redress. Indeed, the general consensus was that the vast majority of complaints that arise are dealt with in this way. For at least some parents, however, the issue of a complaint being 'resolved' was more problematic.

### 6.2.1.1 *Defining a successful outcome*

The interviews with parents underlined that the end point from complaining was not always clearly defined, or understood by parents. The need for clarity about the *desired outcome* from complaining from the outset emerged as being fundamental to satisfaction with the result. In some cases, the parent had accumulated a host of different grievances against the school. These might relate to the issue giving rise to the complaint; wider aspects of their child's education, and the actions taken by the school during the complaint process. This resulted in a situation where the complainant seemed to be unclear about the exact course of action that they wished to see taken.

In general, it was found that ongoing communication during the complaints process helped to keep both school and parent focused on what was trying to be achieved. Breakdowns in communication were more likely to result in very different accounts of the desired outcome. Indeed, parents and school staff sometimes recalled their sense of surprise following successful intervention by the LGO or a mediator, when they realised that each was trying to do what they thought was in the best interests of the child – albeit from different perspectives.

*"The [local authority] mediation helped...Having somebody from outside to take a look at the complaint is very useful. What's important is that he's [pupil] ended up back at school and happy. Without this external input she [parent] would have kept taking him out of school."*

**(School representative)**

### 6.2.1.2 *Agreement on point of closure*

The parents who were interviewed reported that it was not always clear when a decision had been reached by the school about their complaint. Some parents described how the school had made a dismissal without any opportunity for discussion or review. This contributed towards a sense of being *"in limbo"*, with the parent continuing to pursue a complaint that was now officially closed from the school's perspective.

*"Well I don't know how you'd talk about it being resolved. They [the school] think they've resolved it, because they're putting in place [support package] from the mediation... so they think that's that, and them following the mediator's programme is resolving it. But I've never had a letter of apology. I've never had anything from the chair of governors at all"*

**(Parent, Female)**

In a number of instances, the school reportedly dismissed the complaint on the grounds that the correct complaints procedure was not followed. Some of the parents in this situation objected that they had not been made aware of the procedure when they first complained; that they had obtained an out-of-date version, or that the school had provided inaccurate procedural advice. It would seem, therefore, that

certain schools have used their procedure to rebuff complaints, whilst at the same time undertaking very limited steps to raise awareness.

A dismissal without any independent investigation of the complaint could also be a highly unsatisfactory situation for the school. Although a hearing by a governing body panel constituted a formal process, the outcome was not always perceived as such by parents. A number of schools expressed frustration that the complainant had insisted on a fair process, and yet seemed unwilling to accept the end result.

### 6.2.1.3 *Abandonment of the complaint*

Parents reported different considerations when deciding whether to pursue a complaint beyond the stage when the available options seemed to have been exhausted. When prompted, it became apparent that a main reason for continuing was to make the school acknowledge their wrongdoing. There was recognition that “*the harm has already been done*” to the child as a result of the original issue, but continuing was a point of principle:

*"I've become cynical now... if it makes someone at least take notice then it will have done some good... all I really want is someone to apologise"*

**(Complainant, Male)**

The decision whether to continue was sometimes influenced by the possible ramifications for younger siblings at the school. Some parents gave this as a reason *not* to give up, because the complaint related to what were considered to be wider failings within the school that might re-occur. More often, however, parents saw this as a reason to back-down; for fear that the younger child would be stigmatised by the circumstances surrounding the complaint or that they might receive unfair treatment by teachers or pupils. Parents tended to be mindful that pursuing the complaint beyond the point when the school was willing to engage could have lasting damage on relationships going forward. As described previously, most wanted to avoid a “*shutdown*” by the school, which could result in isolation for the family and a lack of cooperation from the school on other matters.

*"All things considered, I let it go. The son said he could not apologise as he was not sorry, but we told him he had to... I threatened to put him in a different school but did not because that would mean a long expensive commute"*

**(Complainant, Female)**

In a few instances, however, the parent described how the process had simply taken too heavy a toll on them personally and emotionally, and it was necessary to stop.

*"All of this bureaucracy you know, it wears you down. I mean a single individual can only go so far. Then they've got to turn back and get on with their own lives. That's how I feel"*

**(Complainant, Female)**

Finally, several of the parents who were interviewed maintained that the head teacher was deliberately stalling until the child grew older and left the school. The reason for backing down was therefore mainly because the parent felt that there was no chance of the school admitting any wrongdoing. This could hardly be called a ‘resolution’, however, and considerable ongoing resentment was expressed towards the school.

#### 6.2.1.4 Restoring positive relationships

The aftermath of complaining was described by respondents. In many cases, it was possible to repair any damage to the relationships between the school and parent. In others, resentments continued. Several parents had stepped-down from governor or volunteering duties within the school during the circumstances surrounding the complaint, and at the extreme end of the scale a few parents had moved their child to a different school.

In most cases, however, there was evidence that parents and members of staff were seeking ways to put the complaint behind them, although this could be a difficult process.

*"I'm going to contact her again [the parent], I think we need a meeting so I can explain the process again and apologise to her for the incident and the time it's taken to resolve...I don't think it will change much as she will still want [the teacher] dismissed."*

**(Head teacher, Primary)**

The interviews suggest that some kind of additional mediation or support is of potential benefit following resolution – particularly where relationships have been put under great strain.

#### 6.2.2 Resolutions from the LGO service

Although relatively few of the complaints within the LGO service had been decided when the interviews took place, it was clear that the service had a number of potential benefits for bringing closure for complainants.

Some - although by no means all - of the parents who were interviewed felt that the LGO had accelerated the progress of their complaint. This was either because the parent had not previously formalised the complaint due to a lack of awareness and were now able to do so, or that the involvement of the LGO prompted the school to take the complaint seriously. A few parents found the schools to be more communicative as a result. For example, one parent described how the school sent an explanatory letter about the complaints procedure as soon as the LGO investigator became involved, which had not been forthcoming for a period of months.

*"It was only once the LGO got involved that everyone started to sit up and take notice and think that it's not just one parent... The school definitely lifted their game when they knew the complaints process had been instigated."*

**(Complainant, Female)**

The LGO investigation also sometimes helped to validate the schools' position, in the event that a parent had made longstanding claims about the school that had damaged the reputation of the school or its staff. The LGO was able to rapidly dismiss the complaint and avoid any further unnecessary time being spent on this issue.

*"[LGO involvement] definitely made a difference, it was much quicker... it was more open... it was dealt with locally, and they got both sides of the argument."*

**(Head teacher, Primary)**

*"I always knew we were in the right, so it makes it really satisfying to know that we've been exonerated by an independent official body...But it works both ways, if it [the complaint] had been upheld we would have had an understanding of exactly why and the parent would have had satisfaction."*

**(Head teacher, Primary)**

One LGO investigator reflected how there is sometimes a sense of relief on the part of the school that the LGO has stepped in. This was thought to be because schools and local authorities can "come to the end" of their options for handling a complaint, and cannot see a way forward. Having the service in place has provided an extra option for breaking the deadlock; even if the outcome is not always favourable to the school. The example was given of a school where a child aged 6 with SEN had been unofficially excluded on a regular basis. When the LGO investigators went in, the head teacher acknowledged that the situation had got completely out of control.

Benefits were also identified from a range of different stakeholders, in terms of the learning process for schools from an LGO handled complaint, and strengthening existing practice:

*"[The LGO] have been really consistent with us and been a really helpful influence... It showed us that though we got a lot right we should have responded immediately, which was one of the recommendations. So if something [a complaint] happens in future myself or my deputy will start the process immediately."*

**(Head teacher, Primary)**

*"Because of their [LGO] involvement, it's prompted me to contact all of the parents to make them aware of the complaints procedure.... It was stupid it could have been resolved so much quicker if they'd come to me beforehand."*

**(Head teacher, Primary)**

A further benefit of the LGO was the ability to use its powers to bypass stages in the process if a complaint was felt to be serious – a power that the Secretary of State is also able to exercise under the existing system, where this is considered necessary. This was put into effect by the LGO in at least one instance for the parents within the interview sample, with potential benefits for safeguarding the child. The following provides an example from the service.

#### **Table 6.1 Case example: Accelerating the process for a serious complaint**

The complainant was aware of persistent bullying of his 5 year old son, who attends a community school. The complainant described making a number of telephone calls to the school and meeting with teaching staff, but with no acknowledgement of the issue. Following an escalation of the bullying, where a stone was thrown at the pupil, the complainant wrote to the head teacher on two occasions to complain about the lack of action by the school. Neither letter received any kind of response. The complainant contacted the Department for Education, who put him in contact with the Local Government Ombudsman (LGO).

Having been assigned an LGO investigator and explained the situation, the complainant was told that the usual procedure would be to write to the board of governors at the school. However, given the seriousness of the complaint, the investigator was able to bypass this stage and investigate the complaint.



Views on the thoroughness with which the LGO had handled the complaint were very strongly correlated with the outcome. Namely, unsuccessful complainants were far less likely to consider that the LGO had investigated their complaint robustly, or to consider that the process had been entirely impartial. Some parents claimed that key pieces of evidence had been overlooked, or that there was insufficient opportunity to give feedback during the process. LGO stakeholders reported, however, that complainants are offered the option to have the decision reviewed by another officer. There was also a tendency to perceive that the LGO had focussed too much on procedural compliance, and not enough on the substance of the complaint. Furthermore, some parents took the negative outcome as further evidence that the head teacher was all-powerful and could not be brought to account.

These findings are consistent with research undertaken previously on behalf of the LGO, which examined complaints handling (including for educational issues) under their existing remit (Ipsos Mori, 2010). Based on survey research and focus groups with complainants, this study concluded that, the outcome from complaints *“undoubtedly colours their [complainants’] perception of the service”* (p.11). This previous study also found that complainants tended to have already become disillusioned at the point when they contacted the LGO, and that these experiences were reflected in their tendency to acquiesce towards general scepticism.

In terms of further improving the process, two practical recommendations by parents were:

- **Improved transparency about how judgements are reached** – there was a residual feeling that, although the LGO is independent, schools could still have an unfair sway. Some parents thought too much time was given to schools to prepare. A lack of communication during this time led some to speculate that the LGO was holding discussions that added too much weight to the school’s perspective. This was contrasted with the brief telephone contact between LGO and parent at the start of the process. Parents demanded greater clarity about what kinds of discussions took place, and what evidence was considered;
- **Sensitivity in feedback to parents** – whilst only providing one side of the story, the parent interviews suggest that investigators’ feedback was somewhat ill-considered at times. Several of the parents described the comments that were made about them as *“rude”* or *“judgemental”*. The mode of feedback was also felt to be inappropriate in some cases. One parent was emailed by an investigator with whom there had been no contact up to that point, who recounted personal details of the complaint and made *“accusatory remarks”*. Greater consistency in feedback was thought to be a priority.

## 7.0 Conclusions and Recommendations

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This report has presented the findings from a research study, which set out to review the current arrangements for handling school complaints affecting the individual child in maintained schools in England, and to evaluate the effectiveness and impact of the LGO service that is currently operating in 14 local authorities. The research was carried out by Ecorys on behalf of the Department between November 2010 and March 2011.

In the preceding chapters of the report, we set out the background context to the national legislative arrangements and the additional powers of redress available to the LGO at the time of the study. Chapter two presented a synthesis of survey data collection and interviews regarding the type and number of complaints following the non-statutory route, and the roles of schools, local authorities and other agencies in this process. Chapters Three to Five examined the evidence for the effectiveness of complaints handling processes under the existing system, via the Secretary of State route and within the LGO service respectively, drawing upon a mix of qualitative evidence and correspondence data. We then considered the evidence for the impact and outcomes from complaints in Chapter Six, examining the issues affecting the successful resolution of complaints.

This final chapter draws together the evidence from the study and offers some provisional conclusions at the draft reporting stage. The chapter reviews the main challenges in going forward, in light of the repeal of the LGO service in the Education Act 2011. The chapter concludes by presenting a set of provisional recommendations that are signposted to the Department, LGO, local authorities and schools.

### 7.1 Overview of Findings

The research study has underlined that parental complaints affecting the individual child are a reality of the day-to-day life and work of schools, which cannot be entirely separated from wider “whole school” issues relating to parental engagement, school policies and curriculum matters. Although the national framework provides quite specific routes for complaining in legalistic terms, the examples of the complaints that were considered for the research often affected a variety of different spheres of the pupil’s educational experience. Nowhere was this more evident than for pupils with SEN and other learning difficulties, where the recent history of complaining to schools reflects the tensions that often exist between an inclusion agenda and finite resources at a school level to meet parental expectations for their child’s learning and care. Moreover, issues giving rise to complaint were often found to be quite specific to individual schools and how they have responded in the past.

#### 7.1.1 A Snapshot of School Complaints – Types and Numbers

Whilst it is generally accepted that the vast majority of school complaints are resolved satisfactorily through informal channels, there remains much uncertainty regarding their true scale in the absence of standardised monitoring and reporting at a school level. For less serious complaints in particular, where statutory processes are not implicated in any way, the internal management of complaints by schools remains largely invisible. The survey conducted for the study indicates that a relatively low number of complaints reach the formal stage of head teacher involvement – averaging just two or three per annum, but ranging from 0 to 65 between individual schools. Drawing upon the snapshot data, it is possible to

derive a very broad proxy estimate of around 13,000 formal school complaints per academic year in maintained schools in England involving the individual child, although a larger and nationally representative survey data collection exercise would be needed to provide fully robust estimates.

These findings suggest that the scale of complaints warranting investigation is relatively modest – especially when it is considered that the population of school age children in primary and secondary schools in England stood at 7.4m in 2010, based on Statistical First Release (SFR) data. Records from advice-lines and accounts by LGO investigative teams and schools clearly show that some parents face a number of barriers to complaining, and that they are unlikely to do so unless engaged and supported pro-actively. Language, basic skills and confidence issues were thought to present barriers.

The research also highlights that even a small numbers of complaints can present a real challenge to schools, in terms of the skills and knowledge required to effectively handle a range of issues; from disputes over pupil or teacher conduct, to allegations of bullying, and alleged failings to provide the necessary provision for individual pupils with SEN. Individual complaints were estimated by one local authority to take between 3-4 days of staff time each on average to address, whilst more complex or ‘vexatious’ complaints reportedly stretched over a period of years without being resolved. This has implications for governor training, reporting mechanisms, and ensuring the availability of appropriate remedies in the event that complaints are upheld. Moreover, the potential consequences of more serious complaints are very high for the wellbeing of the pupils and families affected.

### 7.1.2 Effectiveness of Complaints Handling Processes

The research evidence suggests that there is room for improvement at a school level with regard to the implementation of formal complaints handling. There is tentative evidence from the survey that a minority of schools are neglecting their statutory duties under Education Act 2002 to establish and publicise a complaints procedure. The research interviews pointed towards the need for a culture change in schools; moving away from seeing complaints as a “*badge of shame*” and to recognize that complaints data can be a powerful tool for performance management, where gathered and used effectively. This viewpoint is echoed within a recent report into Schools and Parents by Ofsted, which recommended that: “*schools should... use parental complaints as a stimulus for improvement, and record them to identify trends*” (Ofsted, 2011, p.6).

More positively, there is also clear evidence that schools are routinely handling informal complaints with a great deal of success, through effective parent-school relationships and open door policies, which are preventing a greater number of formal complaints.

The main body of the report details a number of examples of poor / good practice, and suggests a number of characteristics for effective complaints handling. In summary, these included the following:

#### Informal Stage

- acknowledgement that a complaint had been made
- signposting to a current version of the school’s complaints policy
- an early opportunity for a face-to-face meeting with school staff
- information about proposed courses of action / timescales
- verbal and written evidence of progress being made

#### Formal Stage

- a face-to-face meeting with the head teacher
- acknowledgment of the escalation to formal status
- opportunities to review and comment on evidence; and,
- clarity about next steps

### **Governing Body Hearing**

- providing suitable advance notice of the hearing, to make arrangements to attend
- brokering access to mediation where possible
- providing a 'plain English' agenda and papers in advance
- allowing sufficient time for all parties to speak
- willingness to accommodate any additional support needs (e.g. EAL, basic skills); and,
- clerking the meeting / producing a formal record

### **Resolution**

- providing clear notification that a decision has been reached
- raising awareness of other available routes for complaining

The scarce mention of pupil involvement in complaints was noticeable during the research. Schools responding to the survey rarely cited examples where the pupil was the lead complainant, and none of the main sources of written guidance about complaints – including the Department's own 2007 version - appear to have been designed with pupils in mind. Some respondents expressed surprise that pupils do not complain more often – particularly individuals with more complex needs, such as care leavers and teenage parents. It was noted that young people routinely complain through other channels, such as local authority social care teams, and that a lack of competence is unlikely to be the main issue. There was a consensus that more needs to be done to understand pupils' needs with regard to making a complaint, and to raise awareness of their rights.

Beyond the level of complaints handling within individual schools, there are signs of individual local authorities providing a longstanding role for training and support, including access to clerking, governor support, and mediation services, and signposting to Parent Partnership Services for SEN complaints. These practices have been strengthened within the scope of the local authorities within the LGO service through access to the expertise that is held within the LGO for complaints handling, whilst also coming under increasing strain through public sector cuts. Even the most pro-active local authorities reported frustration at their inability to support individual complaints beyond a largely procedural level, due to having no formal powers of redress. Moreover, the scope to offer mediation was thought to be diminishing, with the exception of complaints involving a statutory SEN dimension<sup>32</sup>, as local authorities move to shore-up statutory provision.

<sup>32</sup> The SEN and Disability Green Paper identifies a central role for mediation services as part of the expanded role for Local Authorities as brokers of SEN information and support on behalf of parents, and as a preventative mechanism to avoid the need for more costly tribunal cases.

### 7.1.3 Impact and Effectiveness of the LGO Service

Despite the very challenging circumstances surrounding the start up of the LGO service, the evidence from the evaluation suggests that the Ombudsman has rapidly established a service that is well-respected by local authority stakeholders.

At a strategic level, the interviews show that the LGO has played an important role in giving complaints handling practices within the 14 areas a professional approach through the provision of training and support for schools, governing bodies and, despite the absence of a prescribed role, local authority staff. However, the level of ongoing communication was found to have been less effective in relation to individual complaints, where local authorities commonly reported a lack of feedback about the progress or outcomes from complaints. The LGO jurisdiction, however, requires that investigations should be carried out in private so there are limitations on what information can be shared.

There was mixed feedback from schools and parents regarding the impact of LGO involvement on the overall duration of complaints, with some complaints seemingly dealt with more quickly and others delayed as a result of adding an extra investigative tier to the process. Parental satisfaction was quite strongly correlated with the outcome of their complaint, as has been demonstrated within other fields of complaints handling.

Those parents reporting a positive experience were in the majority, and gave as their reasons that:

- the LGO was effective at re-engaging the school in the complaint;
- they were perceived as very impartial;
- processes and procedures were made easily understandable; and,
- more intensive support was available if needed.

Where complainants were more critical, the main sources of dissatisfaction were that:

- the LGO was seen to be too distant, and did not keep the complainant closely involved;
- decisions were reached too quickly and lacked thoroughness;
- there was a disproportionate focus on procedural compliance;
- there was a perceived tendency to side with the school.

Regardless of their satisfaction with the outcome of the complaint and how it was communicated, nearly all complainants considered the LGO investigator to be knowledgeable and an expert in their field,

### 7.1.4 LGO Performance

A low level of take-up for the service meant that proportionately few complaints were handled to resolution at the time the research took place. In total, up to the end of April 2011, the LGO has received 129 complaints eligible for investigation under the new service. There was evident variation across LA areas in the number of cases due to relative size of the areas but also a degree of proactivity on the part of local authorities to engage with LGO and promote the service.

The LGO has taken decisions in 31 cases received up until 31 March 2011. The low numbers made it very difficult to reach any robust judgments about the use of remedies, and indeed a common type of resolution to investigated complaints was that the complaint was closed, because it was outside of LGO's jurisdiction.

The costs of resolving complaints under the LGO service are likely to be high compared with the Secretary of State route, given the very low numbers reaching the stage of formal closure. A direct unit cost comparison is probably unhelpful, however, given that the investigative functions of the Secretary of State and LGO differ. Moreover, a detailed expenditure breakdown was not made available to facilitate such a comparison.

### 7.1.5 Unexpected Outcomes / Synergies from the LGO experience

A number of potential synergies were identified between the LGO service and the other statutory routes for complaints handling. Several cases for 'hybrid' complaints were underway, whereby the LGO was progressing more than one complaint simultaneously for the same family under the new remit and in relation to a maladministration or social care issue. These complaints had yet to have been resolved at the time of writing, but some benefits were reported in terms of providing a more streamlined approach to the issues raised.

Further potential synergies were identified with whole school complaints managed by Ofsted. The LGO has cross-referred complaints to Ofsted, where it transpires that a whole school issue is involved. There are a small number of instances where this resulted in an earlier inspection than would otherwise have been possible. A scaling-up of this process was thought to have strong potential for using individual complaints to drive earlier inspections. However, greater clarity would be needed in relation to data sharing protocols.

## 7.2 Challenges in Moving Forward

### 7.2.1 Impact of Policy and Fiscal Reforms

A particular challenge was thought to lie in the *timing* of a repeal of the LGO service, when combined with other developments that stand to affect parents' options for complaining. They include the following:

- **Reforms to the other national review panels** – In 2011 a Green Paper on SEN and disability<sup>33</sup> announced a proposal to change the statutory route on SEN appeals by introducing compulsory mediation before parents could register an appeal in order to promote early and local resolution of disagreements. At the same time, as part of the proposed legal aid reforms, there was a proposal to withdraw legal help and legal aid from SEN appeals. In the event, the Ministry of Justice decided not to go ahead with this change. Given these proposals at the time, some respondents emphasised the transition from the LGO service should be managed as part of a wider remodelling process for complaints, to avoid introducing gaps or inconsistencies to the system.

<sup>33</sup> Department for Education (2011) Support and aspiration: A new approach to special educational needs and disability

- **Devolution within educational policy** – the local authority interviews highlighted that whilst Academies have often engaged with wider local training and support arrangements, few have been willing to adopt the ‘model’ complaints procedure. The LGO has also flagged that some on-going complaints stand to be nullified, as a result of a change in the legal status of the school. With an expansion in the Academies programme, a priority was identified to avoid any further loss of consistency at a school level.

## 7.2.2 Equalities Considerations

A number of equality issues were also highlighted, in returning to an entirely devolved system of complaints handling, without the powers that are currently held by the LGO:

- **At the level of individual parental complaints** - it is clear that ‘harder to reach’ parents, including those with English as an Additional Language (EAL) or poor levels of basic skills, are less likely to complain, but have higher support needs in the event that they choose to do so. Some measures are clearly needed to help redress the imbalances within the system, and to make complaining a fairer process for all parents. The potential is opened for legal challenges under the Equality Act 2010 if provisions are not made.
- **For local authorities and schools** - the research interviews underlined the significance of local demographics. Larger schools with a high proportion of pupils from a disadvantaged background and / or with SEN were reported to bear far heavier costs in terms of volumes and complexity of complaints. This is likely to require some kind of targeted funding or policy direction to compensate for the loss of expertise that is currently provided by the LGO, and in moving from a demand-led to a supply-led model.

It was recognised that greater differentiation is likely to be required for complaints handling in the future, with complex or serious complaints involving SEN or safeguarding taking precedence over routine complaints. Many of the local authorities were looking to provide mediation and support to schools on a traded basis in an effort to generate revenue, with schools buying-in support as required. The following illustrates an example.

### Table 7.1 Case example: Examining future models of local support around complaints handling

One local authority described how they have been looking at alternative models of educational support that better align with national policy in the White Paper, and the “new strategic role for local authorities”. The local authority in question was examining the potential to commission an independent agency – potentially a Voluntary Community Sector (VCS) organisation - to provide advocacy on behalf of parents. Their remit would be as an arms-length body to provide support and signposting around issues such as complaints, exclusions and SEN. This agency would give an annual report of their activities to ensure transparency and accountability to the public.

## 7.3 Recommendations

In reflecting upon the issues raised throughout this report, we have identified a number of recommendations. It should be noted that these are provisional only at the current stage and are intended for discussion with the Department. The final recommendations will be consolidated upon completion of the remaining study tasks.

### 7.3.1 For the Department:

#### 1. *To review and strengthen the procedures for complaints handling when correspondence reaches the Secretary of State*

Based on a review of a sample of correspondence the main suggested area for improvement relates to the transparency and accessibility of the Secretary of State route, which is often perceived as a significant “step-up” from school level processes; the mechanics of how complaints are routed between individual teams within the Department, and the resulting differences in the processes that are followed.

The more specific areas for improvement based on the desk-based review of a sample of Departmental correspondence conducted for this study, and the wider stakeholder consultations include:

##### **a) Internal systems and training**

- rationalising the different channels for referring complaints to the Secretary of State, and providing greater clarity for internal responsibilities within the Department, to avoid potential delays or oversight;
- improving the ECHO data recording system, to more accurately identify and label correspondence relating to sections 496 and 497 powers;
- reviewing policy lines for inclusion within correspondence, to ensure that these are tailored appropriately for use in correspondence with member of the public, whilst ensuring that appropriate legislative frameworks are referenced on a more consistent basis;
- considering appropriate timescales for complaints handling by the Department, so that PCU and policy teams are working to a common set of guidelines for responding;
- ensuring greater consistency in correspondence with parents, so that the complaints process is 'personalised' and eligible complaints are taken forward by a named investigator; and,
- undergoing a programme of internal training and awareness-raising for Departmental staff, to ensure that correspondence with complainants is appropriately and sensitively handled, and providing greater clarity in the guidelines for PCU staff on when to involve policy colleagues;

##### **b) Parental guidance and information**

- issuing further public information about the remit of the Secretary of State under sections 496 and 497; highlighting the eligibility of cases for intervention, and placing an emphasis on the need for complainants to have exhausted the internal school route before taking the complaint any higher;



- improving the level of information given to parents about what they can expect from complaining, with regard to processes, timescales and potential remedies, in addition to reiterating legal duties; and,
- providing guidance for correspondents on how to structure their correspondence, and / or what key information to include to avoid any unnecessary delays due to missing information – a simple pro-forma might be the optimum way of assisting complainants to make their case, although there might also be a case for re-examining whether formal written correspondence is always appropriate, given the barrier that this presents to parents with lower levels of basic skills or language competence.

The Department is committed to managing the complaints handling processes internally and the evaluation indicates that many parents' needs could be addressed via this route. Two main areas remain, however, where the repeal of the LGO service might not be fully compensated by the Secretary of State's role. They are:

**2. *To consider new partnership arrangements with independent providers of advice and support to parents, as a mechanism for effective complaints handling***

The evaluation showed that the Department might require additional capacity and resourcing for parental complaints, following the repeal of the LGO service and the additional scrutiny of the Department's own complaints handling processes that will follow this. Given that independent providers of advice and support to parents are already offering a variety of support around complaints handling; from specialist SEN or disability issues, to complaints with a legal dimension and those relating to bullying, it is recommended that the Department considers how best to utilise this expertise within its expanded role. At a basic level, this might include further awareness-raising amongst Departmental staff with a remit for handling complaints, so that they are better able to signpost to external support. Beyond this, the Department might wish to consider extending the scope of the educational support services that are out-sourced to independent organisations, to include some functions for handling more specialist or complex complaints.

**3. *To review and update current Departmental guidance for complaints handling by schools***

Statutory guidance for schools was originally tabled within the recommendations from the 2008 consultation on parental complaints, but was not subsequently implemented. The respondents to the research identified that statutory guidance could potentially be the most effective lever for improving the quality of complaints handling, in the absence of a fully funded independent advice service. Consultations with representatives from the Department indicate that the current Government is very unlikely to produce statutory guidance on complaints at the present time, however, as this would be against the ethos of introducing greater freedoms for schools.

With these factors in mind, it is recommended that the Department considers updating their School Complaints Procedure (DfES, 2007) to provide schools with further guidance and case study examples of good practice for handling complaints, and to ensure that the document is accessible to as many schools as possible. The updating might take account of information included within this evaluation report (including the Practitioners' and Parents' Annex), and with particular attention to the following:

- further direction about timescales for resolving different types of complaints; modes of communication with parents; roles and responsibilities for complaints handling at a school level, and staff training;

- how and when to use independent advice, support or mediation, and the advantages of doing so;
- available remedies for school complaints, with examples of how they have been used; and
- a strong recommendation for schools and governing bodies to have regard to the guidance when setting in place and reviewing complaints procedures, and handling complaints.

The guidance might also take into account the current position with regard to Academies, and the extent to which some common practices for handling complaints should be advocated by all schools.

**4. *To maximise the transfer of knowledge and good practice for complaints handling from the LGO complaints service areas to other local authorities in England***

The circumstances surrounding the procurement have resulted in 14 local authorities implementing a service that is unavailable elsewhere, and who have benefited from expert training and advice from the Ombudsman. In the interests of fairness and transparency, and to ensure that all local authorities are able to benefit, it is therefore recommended that the Department supports a programme of dissemination and knowledge-sharing during the remainder of the time the service will operate. This might be achieved through some combination of regional workshops, networking, and / or sharing of service case study information and materials.

**5. *To examine the evidence for how complaints are handled within the private and independent sectors, and to consider the implications for future practice***

Although the research examined complaints handling within local authority maintained schools, the rollout of the Academies programme is likely to have an increasing influence. Local authorities expressed concerns that Academies sometimes follow completely different procedures to those adopted within mainstream schools, and that a ‘two-tier’ system could emerge over time.

To address this situation, it is recommended that the Department gathers further evidence about the types of complaints handling practices that are implemented in the private and independent sectors, and considers the implications for how schools can be supported to offer a fair and consistent approach within the current legislative framework. This point also relates to establishing the extent to which some of Academies’ needs can be met within national guidance for schools (see also Recommendation 1).

### 7.3.2 For the LGO:

**6. *To consider the feedback provided by the evaluators with regard to improving specific aspects of complaints handling procedures***

The key areas that were highlighted through the research study included the following:

- reviewing the type and level of information that can be shared about individual complaints with local authorities within the restrictions of the jurisdiction of the LGO;
- reviewing protocols for how feedback is provided to parents about the outcome of complaints, to ensure full transparency in disclosing how decisions have been reached.

### 7.3.3 For local authorities:

#### **7. *To scope alternative models of local independent advice, mediation and training for complaints***

The research showed that local authority involvement in brokering access to support or training for school complaints is very mixed, and there has been an acute under-supply of independent mediation at a local level for complaints that do not have a statutory SEN dimension. These gaps are likely to widen if alternatives cannot be found to the mediation currently provided by the LGO within the scope of their service. Whilst the SEN Green Paper stands to improve access to local mediation services for SEN disagreement resolution, the wider public sector cuts mean that local authorities will almost certainly have reduced capacity to support complaints without a statutory dimension. Moreover, the evaluation found that schools were often sceptical about the cost effectiveness of using external support for complaints.

Taking these issues into account, it is recommended that alternative models of provision are scoped; to find the most cost effective approaches for supporting parents who might require additional advice or support for complaining at a local level. These might include:

- sharing knowledge from local authorities that already offer mediation services – whether directly or on a commissioned basis, to examine how and when this type of provision is cost effective;
- examining the role for cost-sharing models or pooled budgets between neighbouring local authorities, to improve the financial viability of offering access to independent advice and mediation services at a time when individual local authority budgets are being reduced; and,
- capacity building actions for private and independent providers of advice and support – this might entail some consolidation of educational support that is currently out-sourced locally, so that providers have the necessary expertise for school complaints alongside other issues (e.g. disabilities or SEN).

The research showed that the whole experience of governing body panel hearings was stressful for parents and they often felt outnumbered by representatives from the school and local authority. This suggests that access to parent advocacy or peer support of some kind might also improve complainants' experiences, although these approaches would not be a substitute for expert mediation services.

### 7.3.4 For Schools

#### **8. *To review complaints procedures in light of the findings from the evaluation, to and ensure that the content is current, appropriate and visible to parents***

The key areas that were highlighted through the research study included the following:

- seeking parental feedback on the existing complaints procedure - through the school's annual parent feedback questionnaire, for example; and updating as appropriate;
- making information about rights to complain more widely available to pupils, and considering how pupils might be supported within the school's procedure;

- ensuring that the procedure is tailored to the individual school and its wider policies; especially if the document has been modelled directly on the Department's guidance document (DfES, 2007);
- ensuring that individual members of school staff with a responsibility for handling complaints are named within the procedure, and that school contact information is updated periodically; and,
- providing indicative timescales for resolving complaints of different types, wherever possible.

Although parents usually valued having good quality procedural information, the research showed that the manner in which schools handled complaints was often considered to be just as important. Bearing this issue in mind; schools might consider providing further information about their principles for responding to complaints, and set out what parents should expect from the school in terms of communications. This might take the form of a "Code of Practice" rather than an iteration of procedures.

#### ***9. To make better use of complaints monitoring data for continuous improvement***

The evaluation showed that complaints monitoring is patchy at the level of individual schools. However, good quality data can provide schools with an effective tool to identify and respond to potential difficulties before they escalate (such as those relating to school policies, teacher conduct, or provision for pupils with SEN or disabilities). It is therefore recommended that schools consider setting in place a central recording system for complaints if they do not already have one, and identify someone with a responsibility to review the data. Complaints information, including a record of actions taken by the school and their outcome, should also be shared with Ofsted wherever possible to assist with inspections.

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