



## **Behaviour Policy – Surfleet Primary School 2015-2016**

This policy statement is not to be read in isolation, but in conjunction with other school policies (with particular reference to SEN, bullying, physical restraint and safeguarding policies) and the latest DfE advice 'Behaviour and Discipline in Schools: Advice for Headteachers and school staff' – January 2016 (See Appendix 1). This behaviour policy acknowledges the school's legal duties under the Equality Act 2010 in respect of safeguarding and in respect of pupils with special educational needs (SEN).

This policy applies to all aspects of school life: inside the classroom, out on the playground/school field, travelling to and from school, wearing school uniform (or in some other way identifiable as a pupil at the school), as well as when pupils are undertaking an educational visit off-site or school related activity. If these conditions do not apply and if misbehaviour could have repercussions for the orderly running of the school or poses a threat to another pupil or member of the public or could adversely affect the reputation of the school then the behaviour policy can still apply. In all cases of misbehaviour, the member of staff can only discipline the pupil on school premises or elsewhere when the pupil is under the lawful control of the staff member. For more detail please refer to the advice in Appendix 1.

At Surfleet Primary School, we set standards of acceptable behaviour. We maintain a happy working environment by promoting positive attitudes and behaviour so that all children feel safe and are able to fulfil their potential.

This policy has been written with the views of all staff and pupils (via school council) being taken on board.

### **Purpose**

Our behaviour policy:

- Maintains a happy working environment for all
- Provides a positive atmosphere to enable pupils to succeed in their learning
- Encourages, motivate, supports and promote life skills so that pupils can co-operate with each other and with adults
- Recognises achievement and effort

### **Key Principles**

The whole school will use the 'SOS – Secrets of Success', which are non- negotiable. These are to be prominently displayed in every classroom. They will be included in the first copy of the school newsletter sent home at the start of each academic year. A copy will be given to any parent of a pupil joining the school during the academic year.

### **Secrets of Success**

#### **SOS**

- \* *We carry out adults requests*
- \* *We move around the school calmly and quietly*
- \* *We respect everyone's personal space and property through our actions and words*

## **Class Rules**

Every September, a set of class rules are negotiated between the class and their class teacher. These must then be shared across the year group to ensure continuity. They are signed by the class before being prominently displayed in the classroom. They then become non-negotiable. A signed copy will then go home, with the school newsletter, by the end of September. These rules are based around good sitting, good manners, good listening, good working and playing, and good friends but are worded differently according to the age of the children.

## **Dealing with Misbehaviour – Smiley face chart – brief explanation**

### **Foundation Stage / KS1** (and see whole school explanation section below)

1. A reminder about expectations
2. Thinking time out for 5 minutes (using a set of timers)
3. Ten minutes off the next playtime
4. Child sent to speak to another teacher and spend 5 minutes in a different classroom
5. Children speaks to member of SLT

If necessary, the class teacher puts a note in the child's book bag, or speaks to parents/carers after school.

### **Key Stage 2** (and see whole school explanation section below)

1. Reminders of school/class expectations
2. A verbal warning
3. A loss of a playtime
4. A time out session – the child will be placed in another class for a set amount of time
5. If an individual persistently breaks the class and/or the SOS rules during the course of a day, a senior leader will be involved.

Parents/Carers will be contacted to discuss behaviour.

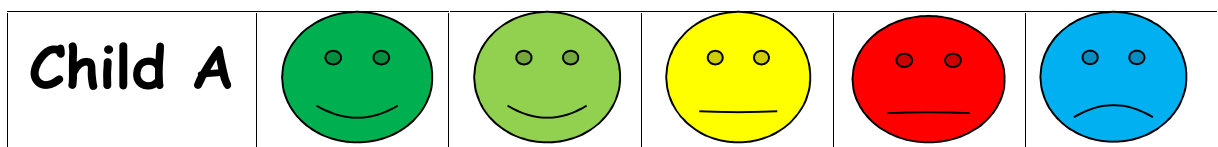
## **Rewards for expected behaviour**

### **Whole School:**

Verbal praise  
Stickers  
Certificates  
House points

## **Smiley face chart – full explanation**

In every class throughout all key stages a smiley face chart is displayed. Each child has their own strip of colour coded faces.



The green smiley faces have rewards attached to them; the yellow, red and blue faces have sanctions attached to them as follows:

The two green faces act as warnings. For those children who keep all of their smiley faces in a day they receive a tally under their name on the chart. Those children who have 4 at the end of a week (Monday to Thursday) are then eligible to be chosen to go to good work assembly where they will get a certificate for their behaviour. Two children from each class will be chosen for this award every week. One will be chosen by the teacher and one will be chosen by the other children in the class through a simple vote. Teachers will keep a record in their mark book of who gets these certificates so that every child gets one by the end of the year.

One yellow face – if the child has already had 2 warnings for their behaviour. The loss of this smiley face results in ten minutes off a playtime in KS1 or the whole of the playtime if the child is in KS2 (15 mins if lunch break).

One red face – if the child has lost the yellow face and behaviour has not improved, they will have a time out session in another classroom – 5 mins for KS1 and 15 mins/complete the given piece of work in KS2.

One blue face – if the child has lost their red face. The loss of this smiley face would be in an extreme case. Children will see Head of School or Executive Head. Parents/carers would be contacted to discuss behaviour.

#### Key Points about the smiley face chart

- Children can earn lost faces back if behaviour improves, but if they have reached a yellow-blue faces, the sanction should still be applied.
- If a playtime is lost (loss of yellow face) during the afternoon, then the child loses the playtime the following day.
- Every day starts afresh with clean faces.
- Children can go straight to red/blue for certain behaviours e.g. violence or swearing. This is at the individual teacher's discretion.
- Good behaviour is an expectation at Surfleet School. Behaviour which is expected includes: sitting smartly, listening, walking around school calmly and quietly (SOS), Smiley faces will be taken away for not showing expected behaviour to demonstrate to all children that our expectations are high.
- Two children from each class are selected to receive a good behaviour certificate on a Friday. They will be presented with this certificate during good work assembly, and the certificate will then be taken home.

#### House Points

Every child in the school is assigned to one of the houses. All children throughout school have a house point grid in their classroom on which the children can collect house points for good work or behaviour around school. House points can be awarded by any member of staff in school to any child. This may be for excellent behaviour in assembly, supporting another pupil at playtime or simply holding a door open for an adult, or other similar examples of good work and good behaviour. House points may also be given in the form of a star stamp in a child's book for excellent work that can then be transferred onto the class grid.

The class grids are split into the house teams, and each Friday, the house captains will go and collect the totals for the week from each class. They will then add up the

numbers and change the results on the display in the hall for all to see. At the end of the academic year, the team that has accrued the most house points will have an award, such as an additional PE lesson, or an additional play time.

### **Definition of misbehaviour**

This may vary slightly between Key Stages, but will be as a result of pupils not following the Secrets of Success and/or their class rules at any time of the day.

### **Definition of serious misbehaviour**

This may include:

- \* A direct or public refusal to follow an adult's request – an adult record and refer the incident to a Senior Leader, who makes a decision involving the Executive Head
- \* Verbal abuse to anyone in the school
- \* Physical abuse against anyone in the school – all incidents to be reported to a Senior Leader immediately.
- \* Continuous disruption of others' learning
- \* Bullying/harassment/threatening behaviour – see separate policy
- \* Racial discrimination – see separate policy for this– all incidents have to be reported to a Senior Leader as they must be recorded
- \* Sexual discrimination – see 'Bullying Policy'
- \* Wilful damage of others' or school property
- \* Continued misbehaviour after the Executive Headteacher has been involved

For information on confiscation of inappropriate items, please refer to the guidelines set out in Appendix 1

## **PLAY / LUNCH TIMES**

### **Promoting Good Behaviour & Positive Attitude to Play**

The children are encouraged to play responsibly, using the apparatus and playground games with care and consideration for others.

### **Dealing with misbehaviour at playtime/lunchtime (staff to record any issues in behaviour log books)**

#### **Foundation Stage & Key Stage 1**

- Ø A verbal warning is given
- Ø A child is asked to stand against the wall for 5 minutes for 'time out'
- Ø Should this behaviour continue then the appropriate teacher is informed and a smiley face lost on the individual's chart.

#### **Key Stage 2**

##### **At Lunchtime**

- Ø For the first incident of inappropriate behaviour, a child is given a verbal warning and a reminder of acceptable behaviour.
- Ø A child is asked to stand against the wall for 5 minutes for 'time out'
- Ø Should this behaviour continue then the appropriate teacher is informed and a smiley face lost on the individual's chart

**In addition – whole school:**

**If physical violence is used against another pupil or member of staff, – the Senior Leader must be sent for immediately.** If she/he is absent or not available, the Executive Head teacher should be made aware. Parents need to be informed as soon as possible. (Also, see section on ‘Serious Misbehaviour’ and Positive Handling Policy.) If a pattern of misbehaviour is becoming apparent, then the SENCO must be informed and their advice sought, as details must be logged. Parents need to be contacted as soon as teachers become concerned about patterns of behaviour so that their support can be gained to help modify poor behaviour - certainly prior to a formal behaviour record being kept. Prior to parents being involved, the Headteacher must be informed. A decision may be made, by the SENCO and Headteacher, to seek external support. At any point, a Senior Leader has the option to agree an individual strategy with the parents. The Executive Headteacher may internally (i.e. in school) exclude a child from class for a part or full day to work in or near the Head of School’s office. A meeting with parents will follow at the first available time. The Executive Head may formally exclude a pupil for a fixed short-term or permanently, as a result of serious inappropriate or unacceptable behaviour which contravenes the school’s policies. Teachers need to have a fully dated personal log of events, including the consequences and actions taken, for this to happen.

### **Malicious allegations**

In the event of a pupil making a malicious allegation against a member of staff, this should be referred to a senior member of staff and recorded.

If the allegation is of a serious nature, an investigation will take place in accordance with the procedures in the school complaints procedure and the DfE publication, ‘Best Practice Advice for School Complaints Procedures 2016’ (Appendix 2). Following a thorough investigation, an appropriate course of action will be decided. A Senior Leader has the option to agree an individual strategy with the parents. A meeting with parents will follow at the first available time. Depending on the seriousness of the allegation, the Executive Head may formally exclude a pupil for a fixed short-term or permanently, as a result of serious inappropriate or unacceptable behaviour which contravenes the school’s policies.

As a result of the investigation, the current teaching arrangements will be reviewed.

Approved by governors: 19.01.16

To be reviewed: Annually



Department  
for Education

# **Behaviour and discipline in schools**

**Advice for headteachers and school staff**

**January 2016**

# Contents

Summary	3
About this departmental advice	3
Expiry or review date	3
Who is this advice for?	3
Key points	3
The school behaviour policy	4
Developing the behaviour policy	5
Discipline in schools – teachers’ powers	6
Punishing poor behaviour	7
Behaviour and sanctions	8
Pupils’ conduct outside the school gates – teachers’ powers	9
Detention	9
Matters schools should consider when imposing detentions	10
Detentions outside school hours	10
Confiscation of inappropriate items	11
Power to use reasonable force	12
Seclusion / isolation rooms	12
Associated resources	13
Legislative links	13

# Summary

## About this departmental advice

- This guide is from the Department for Education. It provides advice to headteachers and school staff on developing the school behaviour policy and explains the powers members of staff have to discipline pupils.
- The purpose of this document is to provide an overview of the powers and duties for school staff. It is for individual schools to develop their own best practice for managing behaviour in their school.

## Expiry or review date

This advice will be kept under review and updated as necessary.

## Who is this advice for?

This advice is for:

- School leaders and school staff in **all** schools in England.
- For the purposes of this advice references to “maintained school” means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools.
- For the purpose of this advice references to “Academy” means Academy schools (including mainstream free schools) and AP Academies (including AP Free Schools).
- Where particular provisions do not apply to a particular type of school we make this clear.

## Key points

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Headteachers, proprietors and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.



- Governing bodies of maintained schools have a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. The proprietors of Academies have a similar duty under paragraph 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010. They must ensure that arrangements are made to safeguard and promote the welfare of pupils.

## The school behaviour policy

### What the law says:

#### Maintained schools

1. The headteacher must set out measures in the behaviour policy which aim to:

- promote good behaviour, self-discipline and respect;
- prevent bullying;
- ensure that pupils complete assigned work;

and which

- regulate the conduct of pupils.<sup>1</sup>

2. When deciding what these measures should be, the headteacher must take account of the governing body's statement of behaviour principles. The headteacher must have regard to any guidance or notification provided by the governing body which may include the following:

- screening and searching pupils;
- the power to use reasonable force and other physical contact;
- the power to discipline beyond the school gate;
- when to work with other local agencies to assess the needs of pupils who display continuous disruptive behaviour; and
- pastoral care for staff accused of misconduct.

3. The headteacher must decide the standard of behaviour expected of pupils at the school. He or she must also determine the school rules and any disciplinary penalties for

---

<sup>1</sup> Section 89 (1) of the Education and Inspections Act 2006

breaking the rules.

4. Teachers' powers to discipline include the power to discipline pupils even when they are not at school or in the charge of a member of staff.

5. The headteacher must publicise the school behaviour policy, in writing, to staff, parents<sup>2</sup> and pupils at least once a year.

6. The school's behaviour policy must be published on its website (School Information (England) Regulations 2008). Where they do not have a website the governing body should make arrangements for the behaviour policy to be put on a website and to make the address and details (of the website) known to parents.

### **Academy schools<sup>3</sup>**

7. The proprietor of an Academy school is required to ensure that a written policy to promote good behaviour among pupils is drawn up and effectively implemented<sup>4</sup>. The policy must set out the disciplinary sanctions to be adopted if a pupil misbehaves. The proprietor is also required to ensure that an effective anti-bullying strategy is drawn up and implemented.<sup>5</sup> Information about the school's behaviour policy must be made available to parents on request.

8. While Academies are not required by law to publish their behaviour policy on their website, it is good practice to do so.

9. Parental engagement. After the Deregulation Act 2015, Schedule 16 paragraph 2 is commenced in January 2016 schools will no longer have a statutory obligation to have in place home school agreements. Home-school relations are important but schools can determine how best to foster these relationships. If schools choose they can have voluntary home school agreements.

## **Developing the behaviour policy**

10. It is vital that the behaviour policy is clear, that it is well understood by staff, parents and pupils, and that it is consistently applied. In developing the behaviour policy, the headteacher should reflect on the following ten key aspects of school practice that, when effective, contribute to improving the quality of pupil behaviour<sup>6</sup>:

- 1) A consistent approach to behaviour management;
- 2) Strong school leadership;

---

<sup>2</sup> References to parent or parents are to fathers as well as mothers, unless otherwise stated.

<sup>3</sup> This section also applies to independent schools.

<sup>4</sup> Education (Independent School Standards) (England) Regulations 2014.

<sup>5</sup> Education (Independent School Standards) (England) Regulations 2014.

<sup>6</sup> Learning behaviour - the Report of the Practitioners' Group on School Behaviour and Discipline" (2005).

- 3) Classroom management;
- 4) Rewards and sanctions;
- 5) Behaviour strategies and the teaching of good behaviour;
- 6) Staff development and support;
- 7) Pupil support systems;
- 8) Liaison with parents and other agencies;
- 9) Managing pupil transition; and
- 10) Organisation and facilities.

11. The school's behaviour policy should set out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

12. The behaviour policy should acknowledge the school's legal duties under the Equality Act 2010, in respect of safeguarding and in respect of pupils with special educational needs (SEN).

## **Discipline in schools – teachers' powers**

### **Key Points**

- Teachers have statutory authority to discipline pupils whose behaviour is unacceptable, who break the school rules or who fail to follow a reasonable instruction (Section 90 and 91 of the Education and Inspections Act 2006).
- The power also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Teachers can discipline pupils at any time the pupil is in school or elsewhere under the charge of a teacher, including on school visits.
- Teachers can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school.
- Teachers have a power to impose detention outside school hours.
- Teachers can confiscate pupils' property.

# Punishing poor behaviour

## What the law allows:

13. Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a school rule or fails to follow a reasonable instruction the teacher can impose a punishment on that pupil.

14. To be lawful, the punishment (including detentions) must satisfy the following three conditions:

- 1) The decision to punish a pupil must be made by a paid member of school staff or a member of staff authorised by the headteacher;
- 2) The decision to punish the pupil and the punishment itself must be made on the school premises or while the pupil is under the charge of the member of staff; and
- 3) It must not breach any other legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and it must be reasonable in all the circumstances.

15. A punishment must be proportionate. In determining whether a punishment is reasonable, section 91 of the Education and Inspections Act 2006 says the penalty must be reasonable in all the circumstances and that account must be taken of the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.

16. The headteacher may limit the power to apply particular punishments to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip.

17. Corporal punishment is illegal in all circumstances.

18. Schools should consider whether the behaviour under review gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff should follow the schools' safeguarding policy. They should also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point, the school should consider whether a multi-agency assessment is necessary.

## Behaviour and sanctions

19. A clear school behaviour policy, consistently and fairly applied, underpins effective education. School staff, pupils and parents should all be clear of the high standards of behaviour expected of all pupils at all times. The behaviour policy should be supported and backed-up by senior staff and the head teacher.

20. Good schools encourage good behaviour through a mixture of high expectations, clear policy and an ethos which fosters discipline and mutual respect between pupils, and between staff and pupils.

21. Schools should have in place a range of options and rewards to reinforce and praise good behaviour, and clear sanctions for those who do not comply with the school's behaviour policy. These will be proportionate and fair responses that may vary according to the age of the pupils, and any other special circumstances that affect the pupil.

22. When poor behaviour is identified, sanctions should be implemented consistently and fairly in line with the behaviour policy. Good schools will have a range of disciplinary measures clearly communicated to school staff, pupils and parents. These can include:

- A verbal reprimand.
- Extra work or repeating unsatisfactory work until it meets the required standard.
- The setting of written tasks as punishments, such as writing lines or an essay.
- Loss of privileges – for instance the loss of a prized responsibility or not being able to participate in a non-uniform day (sometimes referred to as 'mufti' days).
- Missing break time.
- Detention including during lunch-time, after school and at weekends.
- School based community service or imposition of a task – such as picking up litter or weeding school grounds; tidying a classroom; helping clear up the dining hall after meal times; or removing graffiti.
- Regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed "on report" for behaviour monitoring.
- In more extreme cases schools may use temporary or permanent exclusion.

## Pupils' conduct outside the school gates – teachers' powers

### What the law allows:

23. Teachers have the power to discipline pupils for misbehaving outside of the school premises “to such an extent as is reasonable”<sup>7</sup> – see paragraph 21.

24. Maintained schools and Academies' behaviour policies should set out what the school will do in response to non-criminal bad behaviour and bullying which occurs off the school premises and which is witnessed by a staff member or reported to the school, including the punishments that will be imposed on pupils.

25. Subject to the behaviour policy, teachers may discipline pupils for:

- misbehaviour when the pupil is:
  - taking part in any school-organised or school-related activity or
  - travelling to or from school or
  - wearing school uniform or
  - in some other way identifiable as a pupil at the school.
- or misbehaviour at any time, whether or not the conditions above apply, that:
  - could have repercussions for the orderly running of the school or
  - poses a threat to another pupil or member of the public or
  - could adversely affect the reputation of the school.

26. In all cases of misbehaviour the teacher can only discipline the pupil on school premises or elsewhere when the pupil is under the lawful control of the staff member.

## Detention

### What the law allows:

27. Teachers have a power to issue detention to pupils (aged under 18).

28. Schools must make clear to pupils and parents that they use detention (including detention outside of school hours) as a sanction.

---

<sup>7</sup> Section 90 of the Education and Inspections Act 2006

29. The times outside normal school hours when detention can be given (the 'permitted day of detention') include:

- a) any school day where the pupil does not have permission to be absent;
- b) weekends - except the weekend preceding or following the half term break; and
- c) non-teaching days – usually referred to as 'training days', 'INSET days' or 'non-contact days'.

30. The headteacher can decide which members of staff can put pupils in detention. For example, they can limit the power to heads of year or heads of department only or they can decide that all members of staff, including support staff, can impose detentions.

## **Matters schools should consider when imposing detentions**

31. Parental consent is not required for detentions.

32. As with any disciplinary penalty a member of staff must act reasonably given all the circumstances, as described in paragraph 15 above, when imposing a detention.

33. With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.

## **Detentions outside school hours**

34. School staff should not issue a detention where they know that doing so would compromise a child's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:

- Whether the detention is likely to put the pupil at risk.
- Whether the pupil has known caring responsibilities which mean that the detention is unreasonable.
- Whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after school detention where the pupil can get home safely; and
- Whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.

# Confiscation of inappropriate items

## What the law allows:

35. There are two sets of legal provisions which enable school staff to confiscate items from pupils:

- 1) The **general power to discipline** (as described in the bullets under the heading “Discipline in Schools – Teachers’ Powers” on pages 3 and 4) enables a member of staff to confiscate, retain or dispose of a pupil’s property as a punishment, so long as it is reasonable in the circumstances. The law protects them from liability for damage to, or loss of, any confiscated items provided they have acted lawfully<sup>8</sup>. The legislation does not describe what must be done with the confiscated item and the school behaviour policy may set this out; and
- 2) **Power to search without consent** for “prohibited items”<sup>9</sup> including:
  - knives and weapons
  - alcohol
  - illegal drugs
  - stolen items
  - tobacco and cigarette papers
  - fireworks
  - pornographic images
  - any article that has been or is likely to be used to commit an offence , cause personal injury or damage to property; and
  - any item banned by the school rules which has been identified in the rules as an item which may be searched for.

The legislation sets out what must be done with prohibited items found as a result of a search.

36. Weapons and knives and extreme or child pornography must always be handed over to the police, otherwise it is for the teacher to decide if and when to return a confiscated item.

37. More detailed advice on confiscation and what must be done with prohibited items found as a result of a search is provided in ‘Screening, Searching and Confiscation – advice for head teachers, staff and governing bodies’. See Associated Resources section below for a link to this document.

---

<sup>8</sup> Section 94 of the Education and Inspections Act 2006

<sup>9</sup> Section 550ZA (3) of the Education Act 1996



## Power to use reasonable force

38. Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

39. Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

40. Schools can also identify additional items in their school rules which may be searched for without consent. Force **cannot** be used to search for these items.

41. Separate advice is available in 'Use of Reasonable Force – advice for school leaders, staff and governing bodies'. See Associated Resources section below for a link to this document.

## Seclusion / isolation rooms

42. Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as seclusion or isolation rooms. If a school uses seclusion or isolation rooms as a disciplinary penalty this should be made clear in their behaviour policy. As with all other disciplinary penalties, schools must act reasonably in all the circumstances when using such rooms (see paragraphs 14 and 15). Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

43. It is for individual schools to decide how long a pupil should be kept in seclusion or isolation, and for the staff member in charge to determine what pupils may and may not do during the time they are there. Schools should ensure that pupils are kept in seclusion or isolation no longer than is necessary and that their time spent there is used as constructively as possible. Schools should also allow pupils time to eat or use the toilet.

## Associated resources

1. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>
2. <https://www.gov.uk/government/publications/searching-screening-and-confiscation>
3. <https://www.gov.uk/government/publications/school-exclusion>
4. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
5. <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
6. The Government's former expert adviser on behaviour, Charlie Taylor, has produced a checklist on the basics of classroom management. Teachers can use it to develop between five and ten essential actions to encourage good behaviour in pupils.  
<https://www.gov.uk/government/publications/good-behaviour-in-schools-checklist-for-teachers>

## Legislative links

[Education Act 1996](#)

[School Standards and Framework Act 1998](#)

[Education Act 2002](#)

[Education and Inspections Act 2006](#)

[School Information \(England\) Regulations 2008](#)

[Equality Act 2010](#)

[The Education \(Independent School Standards\) \(Amended\) \(England\) Regulations 2014](#)

[Education Act 2011](#)

[Schools \(Specification and Disposal of Articles\) Regulations 2012](#)

[The School Behaviour \(Determination and Publicising of Measures in Academies\) Regulations 2012](#)



Department  
for Education

© Crown copyright 2015

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3)

email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

download [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

Reference: DFE-00023-2014



Follow us on Twitter:  
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:  
[facebook.com/educationgovuk](https://facebook.com/educationgovuk)



Department  
for Education

# **Best Practice Advice for School Complaints Procedures 2016**

**Departmental advice for maintained  
schools, maintained nursery schools and  
local authorities**

**January 2016**

# Contents

Summary	3
About this departmental advice	3
Expiry / review date	3
Who is this advice for?	3
Introduction	3
The difference between a concern and a complaint	4
Who can make a complaint?	4
The Complaints Procedure – Best Practice Tips	5
Timeliness	6
Stages	6
Recording Complaints	7
Governing Body Review	7
Complaints not in scope of the procedure	9
Serial and Persistent Complainants	10
Is it time to stop responding?	10
Sample Policy for Unreasonable Complainants	12
Barring from the School Premises	13
The Role of the School Complaints Unit	15
Appendix – Roles and Responsibilities	16
Interviewing Best Practice Tips	19
Further information	20
Useful Resources and External Organisations	20
Other Relevant Departmental Advice and Statutory Guidance	20
Other Departmental Resources	20

# Summary

## About this departmental advice

This is departmental advice from the Department for Education. This advice is non-statutory, and has been produced to help governing bodies understand their obligations and duties in relation to Section 29 of the Education Act 2002<sup>1</sup>.

## Expiry or review date

This advice replaces the School Complaints Toolkit 2014. It will be reviewed before January 2018 subject to any relevant changes in legislation.

## Who is this advice for?

This guidance is for:

- School leaders, school staff and governing bodies in all maintained schools and maintained nursery schools
- Local authorities
- Dioceses

## Introduction

In accordance with [Section 29 of the Education Act 2002](#), all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

The Department for Education has produced this non-statutory guidance to share best practice and help schools avoid common pitfalls. It is for school leaders, school staff and governing bodies in all LA maintained schools and maintained nursery schools, LAs and Dioceses. It is not designed for use by academies, free schools or independent schools.

There is a difference between 'legal requirement' and 'good practice'. In this guidance, we use 'must' where a school has a duty. We use 'can' where a school has a power (not a duty) under statutory or common law. We use 'should' for advice on good practice.

---

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2002/32/section/29>

## **The difference between a concern and a complaint**

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

## **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

## The Complaints Procedure – Best Practice Tips

- A guidance document for parents on making complaints does not satisfy the legal requirement for schools to have in place a procedure to deal with all complaints. A distinct policy must be in place;
- While schools are free to adopt their LA's model policy, it must be tailored to the individual school;
- Some complaints fall outside the school's complaints procedure, for example, staff grievances or disciplinary procedures (see: Complaints not in Scope);
- We recommend that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place;
- Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools. *'Understanding and Dealing with Issues Relating to Parental Responsibility'* contains specific advice about how to properly approach issues concerning parental responsibility.

The following tips and suggestions are intended to help schools ensure their complaints procedures are robust and effective:

- Be aware of the difference between a concern and a complaint (taking informal concerns seriously will reduce the numbers that develop into formal complaints);
- Be mindful of the language used in the complaints procedure (it is recommended that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do);

Where a policy states that a school *'should'* do something which they then choose not to do, if escalated to the Department for Education for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice.

- Ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).
- The complaints procedure should set out the steps to follow in the event that the headteacher or member of the governing body is the subject of the complaint.

Schools should also ensure the complaints procedure:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;



- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

## Timeliness

Complaints need to be considered and resolved as quickly, and efficiently as possible:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay);
- Understand that the department does not consider excessive time limits to be reasonable or acceptable, except in extenuating circumstances;
- Expect complaints to be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint);
- Ensure that, if the policy includes a cut-off timeframe, the school will consider exceptions and that their complaint procedure reflects this. Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period.

## Stages

Schools are free to choose how many stages their procedure will include – two or three formal school-based stages are likely to be sufficient for most schools.

- Determining what the appeal panel considers is for the school to decide.
- The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.

Regardless of how many stages the school chooses, or whether or not the complaint is 'justified', a dissatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

- Some procedures may also allow for an additional stage if the LA, Diocese or other external agency provides an independent appeal or review.
- Complaints against the headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Body.

## Recording Complaints

Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point;
- Schools should record the progress of the complaint and the final outcome. The headteacher or complaints co-ordinator should be responsible for these records and hold them centrally.
- Schools should be aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

## Governing Body Review

- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;
- It is the governing body which determines how often the complaints procedure is reviewed however the department suggests as good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes.

Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the headteacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

## Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## Serial and Persistent Complainants

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

**Note:** The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

### Is it time to stop responding?

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and

- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

## Sample Policy for Unreasonable Complainants

<...School> is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

<...School> defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email

and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact <...School> causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from <...School>.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.



The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

# Appendix – Roles and Responsibilities

## The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

## The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

## The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;

- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

## Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;  
Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

## **Interviewing Best Practice Tips**

### **Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

### **Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

## Further information

### Useful Resources and External Organisations

- [National Governors Association](#)
- [Information Commissioner's Office](#)

### Other Relevant Departmental Advice and Statutory Guidance

- [Section 29 of the Education Act 2002](#)
- [Governors Handbook](#)
- [Understanding and Dealing with Issues Relating to Parental Responsibility](#)

### Other Departmental Resources

- [How to complain about a school](#) - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools



Department  
for Education

© Crown copyright 2016

This publication (not including logos) is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/version/3](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3)

email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

About this publication:

enquiries [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

download [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

Reference: DFE-00001-2016



Follow us on Twitter:  
[@educationgovuk](https://twitter.com/educationgovuk)



Like us on Facebook:  
[facebook.com/educationgovuk](https://facebook.com/educationgovuk)