



Ministry
of Defence

**Directorate Children & Young People
Policy Directive 3.2.8**

Complaints Procedure for MOD Schools

Version 2.0 January 2017

Preface

Authorisation

1. This DCYP Policy Directive has been authorised for use by the Director, Children & Young People.

Coherence with other Policy and Guidance

2. Where applicable, this document contains links to other relevant policies (including JSPs and Other Government Departments), as listed below

Related Policy and/or Documents	Title
Section 29 (DfE, 2002)	The Education Act, 2002 (DfE)
Departmental Guidance (DfE, 2016)	Best Practice Advice for School Complaints Procedures
DCYP Policy Directive 3.2.9 (revised Jan 17)	Exclusion Policy for MOD Schools
Annex A	MOD Schools Complainants Procedure - Information for Parents
Annex B	MOD Schools Complaints Form
Annex C	Procedure for School Governance Committee Complaints
Annex D	Timetable for dealing with Complaints

Further Advice and Feedback - Contacts

3. The owner of this DCYP Policy Directive is the Senior Principal MOD Schools. For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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Review Date

4. This Policy Directive will be reviewed in January 2018.

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General Principles

1. When a parent raises an issue with the school it may at first be unclear whether the parent is asking a question, expressing an opinion, seeking information or making a complaint. It may be helpful to offer a preliminary discussion about an issue to help decide whether s/he wishes to take it further. A concern or issue becomes a complaint only when the parent alleges that the school has acted wrongly in making a decision, taking action or failing to take action.
2. Although it is necessary to have formal procedures for dealing with complaints, the aim should always be to resolve complaints informally if at all possible. Formal procedures will need to be used when attempts to resolve complaints informally have been unsuccessful and the complainant remains dissatisfied.
3. MOD Schools are to identify a member of staff who has responsibility for the operation and management of complaints procedures.
4. Complaints procedures should be simple to understand and use. This DCYP Policy Directive sets out the full procedure and guidance. A summary for parents is at Annex A.
5. All stages of the complaints procedure should be investigatory rather than adversarial. Complaints should be handled in a way that facilitates resolution with the minimum of conflict.
6. Complaints should be dealt with promptly and within the specified time limits. If the complaint is complex and requires investigation that cannot be completed within the normal timescale, new time limits can be set. The complainant should be informed of the new deadline and the reason for the delay.
7. To allow for a proper investigation, complaints should be brought to the attention of the class teacher or head teacher as soon as possible. Any matter raised more than three months after the event will not be considered unless there are exceptional circumstances.
8. Complaints should be seen as an opportunity to inform future practice and reduce the likelihood of the problem recurring.
9. Anonymous complaints will not be investigated unless there are exceptional circumstances. These might include serious concerns such as child protection issues or bullying allegations where the safety or welfare of children may be at risk.
10. If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, even though all stages of the procedure have been followed, a complainant remains dissatisfied. If the complainant tries to reopen the same issue, s/he may be informed that the matter is now closed and will not be reconsidered.

Monitoring of Complaints

11. DCYP MOD Schools will monitor the number and nature of complaints made under the procedures described in this document. Schools should keep details of complaints received and provide an annual return to the Senior Principal MOD Schools. This information should also be reported annually to the School Governance Committee (SGC).

Complaints from parents about actions of a member of staff other than the head teacher

Stage 1 - Informal Stage

12. It is preferable to resolve complaints at the informal stage wherever possible. Every effort should therefore be made to achieve a resolution at this level.

13. For complaints about the action of a member of staff other than the head teacher, the complainant should usually communicate directly with the member of staff concerned, by appointment in person, by telephone or in writing. In some cases, the complainant may prefer to communicate with another member of staff in the relevant line management chain e.g. head of department, Key Stage co-ordinator or deputy head. Similarly, the member of staff may feel it helpful in some circumstances to refer the complainant to a more senior colleague or to ask a more senior colleague to mediate. Schools may wish to designate a senior member of staff other than the head teacher to act in this capacity.

14. Complaints at this stage should be resolved within fifteen school days from the date the complaint was first raised with the relevant member of staff.

15. If it is not possible to resolve the complaint at the informal stage, the member of staff should provide the complainant with information about the procedure for complaints at Stage 2.

Stage 2 - Formal Stage

16. If the complainant is dissatisfied with the outcome at Stage 1, the complainant should put the complaint in writing to the head teacher. The Complaints Form at Annex B should be used for this purpose. The complainant should include all information which might assist the investigation, e.g. names of potential witnesses, dates and times of events, and copies of relevant documents as well as their requested resolution. The head teacher should acknowledge receipt of the complaint in writing.

17. The head teacher should consider providing an opportunity to meet the complainant to discuss the complaint.

18. The head teacher will investigate and collect necessary evidence; or appoint an investigating officer to do so on their behalf. The head teacher or appointed investigating officer should interview witnesses and take statements from those involved. Where it is necessary to interview a member of staff who is the subject of a complaint, the member of staff may choose to be accompanied by a friend or teachers' association representative. The member of staff will be provided with a copy of the complaint and any additional relevant evidence presented by the complainant. Information about third parties should be redacted.

19. Once all relevant facts have been established, the head teacher should reach a decision about the complaint and communicate this in writing to the complainant and the respondent/s, i.e. the member of staff whose action is the subject of the complaint.

20. The written response should include a full explanation of the decision and the reasons behind it. If the complaint is upheld in whole or in part, it should include what action the school will take to resolve the complaint. This might include:

- an apology;
- an explanation;
- an acknowledgment that the situation could have been handled differently or better;
- an assurance that the event complained about will not recur;
- an explanation of the steps taken to ensure that it will not happen again;
- an undertaking to review school policies in the light of the complaint.

21. If conduct or performance procedures are invoked as a result of the complaint, the details of the action taken will remain confidential. However, it is permissible for the complainant to be informed that appropriate action has been taken under disciplinary or restoring efficiency procedures.
22. Schools will not pay financial compensation as a response to complaints.
23. If the head teacher does not uphold the complaint, the complainant should be advised that if s/he remains dissatisfied with the response and wishes to take the matter further, s/he may appeal to the SGC.
24. Stage 2 should be completed within fifteen school days from the date the complaint was received by the head teacher. If the complaint is complex and cannot be resolved within this period, the head teacher should write to the complainant giving a revised target date for completion.

Stage 3 - Appeal Stage

25. If the complainant is dissatisfied with the outcome at Stage 2, s/he has the right for the complaint to be considered by a sub-committee of the SGC. Full details of the complaint should be set out in writing and sent to the chair of the SGC.
26. The sub-committee will comprise of two SGC members, joined for this purpose by a senior representative of DCYP MOD Schools chosen by the Senior Principal MOD Schools. The sub-committee will normally include the chair or vice-chair of the SGC, who will chair the meeting.
27. No members of the sub-committee should have had any prior involvement in the case. Staff members at the school may not serve on the complaints sub-committee.
28. For MOD schools in locations outside North West Europe or Cyprus, the DCYP MOD Schools representative may have difficulty joining the SGC members in person. In such cases, video conference facilities should be used. If this is not possible, the SGC members of the sub-committee should hear the complaint on their own and share the evidence with the DCYP MOD Schools representative before the three members of the sub-committee make their collective decision.
29. The complaints sub-committee should invite the person complained about, the complainant and the head teacher to a hearing. The procedure for the hearing is described at Annex C.
30. If the complaint is not upheld, the chair of the sub-committee should write to the complainant notifying him/her of the decision, and confirming that there is no further right of appeal.
31. If the complaint is upheld in whole or in part, the sub-committee will make written recommendations to the Senior Principal MOD Schools. In the light of such recommendation(s), the Senior Principal MOD Schools may direct the head teacher to reconsider his/her previous decision and action regarding the complaint. The Senior Principal MOD Schools will notify the complainant of the outcome.
32. Stage 3 should normally be completed within twenty school days of the complaint being received by the SGC.

Complaints from parents about actions of the head teacher

Stage 1 - Informal Stage

33. It is preferable to resolve complaints at the informal stage wherever possible. Every effort should therefore be made to achieve a resolution at this level.

34. The complainant should speak directly to the head teacher.
35. Complaints at this stage should be resolved within fifteen school days from the date the complaint was first raised with the head teacher.

Stage 2 - Formal Stage

36. If the complainant is dissatisfied with the outcome at Stage 1, s/he has the right for the complaint to be considered by a sub-committee of the SGC. Full details of the complaint should be set out in writing and sent to the chair of the SGC.
37. The sub-committee will comprise two SGC members, joined for this purpose by a senior representative of DCYP MOD Schools chosen by the Senior Principal MOD Schools. The sub-committee will normally include the chair or vice-chair of the SGC, who will chair the meeting. The DCYP MOD Schools representative will normally be at a level above the head teacher.
38. No members of the sub-committee should have had any prior involvement in the case. Staff members at the school may not serve on the complaints sub-committee.
39. For MOD Schools in locations outside North West Europe or Cyprus, the DCYP MOD Schools representative may have difficulty joining the SGC members. In such cases, video conference facilities should be used. If this is not possible, the SGC members of the sub-committee should hear the complaint on their own and share the evidence with the DCYP MOD Schools representative before the three members of the sub-committee make their collective decision.
40. The chair of the sub-committee should notify the complainant and the head teacher of the arrangements for the hearing. The procedure is described at Annex C.
41. After the hearing, the chair of the sub-committee should write to the complainant notifying him/her of the decision. If the complaint is not upheld, the complainant should be informed of his/her right of appeal.
42. Stage 2 should be completed within fifteen school days from the date the complaint was received by the chair of the SGC.

Stage 3 - Appeal Stage

43. If the complainant is dissatisfied with the outcome at Stage 2, s/he should put the complaint in writing and send it to the Senior Principal MOD Schools. The Complaints Form at Annex B should be used for this purpose.
44. The Senior Principal MOD Schools will nominate a senior member of DCYP MOD Schools' staff to investigate the complaint. The investigating officer will collect such evidence as s/he deems necessary. Where it is necessary to interview the head teacher, the head teacher may choose to be accompanied by a friend or teachers' association representative. The head teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant.
45. Once all the relevant facts have been gathered, the investigating officer should provide his/her report and recommendations to the Senior Principal MOD Schools, who will act as the deciding officer.
46. The Senior Principal MOD Schools will provide a written response to the complainant including a full explanation of the decision and the reasons for it. If the complaint is upheld in whole or in part, the response will confirm what action will be taken to resolve the complaint. This might include:

- an apology;
- an explanation;
- an acknowledgment that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps taken to ensure that it will not happen again;
- An undertaking to review school policies in the light of the complaint.

47. If conduct or performance procedures are invoked as a result of the complaint, the details of the action taken will remain confidential.

48. Financial compensation will not be paid as a response to complaints.

49. Stage 3 should normally be completed within twenty school days of the complaint being received by the Senior Principal MOD Schools.

Complaints from pupils

50. Pupils have the right:

- to have complaints taken seriously;
- to have complaints dealt with fairly and consistently;
- To have complaints resolved at the earliest opportunity and with careful consideration of their interests and welfare.

51. All MOD Schools should have a procedure for dealing with complaints from pupils. This should be made known to parents and pupils on admission to the school, and regularly publicised. The procedure should state how a complaint may be raised, who should receive and deal with complaints, how the result of the complaint will be notified, and the timescale for dealing with complaints (which should be no longer than for parental complaints). The procedure should be described and set out in a way which is accessible to pupils. The procedure should also be included in the school prospectus and on the school website.

52. Where the pupil's complaint is taken up by the parent, the matter will be dealt with according to the parental complaint procedures.

53. For issues specific to a pupil, the procedure to be used is outlined below.

Stage 1 - Class teacher or pastoral teacher

54. At this stage, the pupil's complaint should be dealt with by the class teacher or, in middle or secondary schools, the teacher who has immediate pastoral responsibility for the class or year group e.g. the form tutor. Where the complaint is initially made to another member of staff, that member of staff should refer the matter to the class teacher or teacher with pastoral responsibility.

55. In the majority of cases, the complaint will be easily and immediately resolved by the class teacher or teacher with pastoral responsibility.

56. Where the complaint is about the class teacher or teacher with pastoral responsibility, the pupil may instead raise the complaint with a senior member of staff as specified in the school's pupil complaints procedure.

57. If a pupil complaint is regarding any issue that is related to safeguarding and/or a potential allegation against a member of staff then the policy directive on dealing with allegations against staff should be followed immediately.

Stage 2 - Head teacher

58. If the pupil is dissatisfied with the outcome of Stage 1 or if the pupil's complaint is about the head teacher, the complaint should be dealt with by the head teacher in person. The head teacher should meet the pupil to discuss the complaint. Although it is helpful for the pupil to put the complaint in writing, this is not essential. After considering the pupil's complaint, the head teacher should give the pupil a written response, set out in language which is accessible to the pupil. The head teacher may wish to meet the pupil again to explain the outcome, the reasons for his/her decision and any resulting action.

Stage 3 - SGC

59. If the pupil is dissatisfied with the outcome at Stage 2, s/he has the right for the complaint to be considered by a sub-committee of the SGC. The complaint should be set out in writing and sent to the Senior Principal MOD Schools, DCYP, Trenchard Lines, Upavon, Wiltshire, SN9 6BE, who will make arrangements for a meeting of the SGC sub-committee. Alternatively, the pupil may give the complaint to the head teacher for onward transmission to the Senior Principal MOD Schools.

60. The pupil may be helped in presenting his/her complaint, both in writing and at any hearing of the SGC sub-committee by:

- a member of the pupil's family;
- a fellow pupil;
- a member of staff, as long as this does not involve a conflict of interests.

61. The sub-committee will comprise three members:

- the chair or vice-chair of the SGC (who will act as chair of the sub-committee);
- two other members of the SGC.

62. The complaints sub-committee should decide whether there is sufficient information to consider the complaint on the basis only of the written evidence or if a hearing should be arranged to hear both parties. The sub-committee may also decide whether any further enquiries should be pursued prior to the hearing.

63. Where the sub-committee decides that a hearing should take place, the chair of the sub-committee should notify the pupil and the head teacher of the arrangements for the hearing. The procedure is described at Annex C.

64. If the complaint is not upheld, the chair of the sub-committee should write to the pupil notifying him/her of the decision, and confirming that there is no further right of appeal.

65. If the complaint is upheld in whole or in part, the sub-committee will make written recommendations to the Senior Principal MOD Schools. In the light of such recommendation(s), the Senior Principal MOD Schools will determine what action should be taken regarding the complaint. The Senior Principal MOD Schools will notify the pupil and the head teacher of the outcome.

66. Stage 3 should normally be completed within twenty school days of the complaint being received by DCYP MOD Schools.

Curriculum complaints

67. The [Best Practice Advice for School Complaints Procedures \(DfE, 2016\)](#), issued in relation to [Section 29 of the Education Act 2002](#), provides details for handling complaints about the delivery of the curriculum, including the New Curriculum and the provision of collective worship and

religious education. Although not bound by this Act in schools overseas, MOD Schools seek to mirror the provision made in the Act for curriculum complaints.

68. Parents can complain if they have concerns that a school is failing:

- to provide an appropriate curriculum in the school or for a particular child;
- to follow the law on charging for school activities;
- to offer only approved qualifications or syllabuses;
- to provide religious education and daily collective worship;
- to provide information that they are required to provide;
- to carry out any other statutory duty relating to the curriculum.

Stage 1 - Informal Stage

69. The complainant should raise the matter directly with the head teacher.

Stage 2 - Formal Stage

70. If not resolved at the informal stage, the complainant should put the complaint in writing and forward it to the Senior Principal MOD Schools with a copy to the Director of Children and Young People Services.

71. The Senior Principal MOD Schools will nominate a member of DCYP MOD Schools' staff to investigate the complaint. The procedure is the same as for parental complaints about the action of the head teacher.

Stage 3 - Appeal Stage

72. If the complainant is dissatisfied with the outcome at Stage 2, s/he has the right for the complaint to be considered by a review panel comprising of the Senior Principal MOD Schools, and comprising two other senior members of DCYP staff (other than the original investigating officer).

Special Educational Needs and Disability (SEND) Complaints

73. Parents have the right to request reconsideration of a decision if they disagree with:

- the content of a MOD assessment of supportability overseas (MASO), including the specified special educational provision;
- the content or processes of a Service Child Assessment of Need (SCAN).

74. There is no right of appeal to a UK SEND Tribunal for provision overseas.

75. Parents also have the right to request reconsideration of a decision that a child cannot be admitted to an MOD school on the grounds that the child's special needs cannot be appropriately met in that school. Special needs admission reviews will be considered by a panel comprising two senior DCYP MOD Schools' officers and the head teacher of an MOD school in an area different from that under consideration for the child's admission.

76. Requests for the review of SEND decisions should be submitted in writing, stating the reasons for the request, to the Principal, DCYP Targeted Services, Trenchard Lines, Upavon, Wiltshire, SN9 6BE.

Exclusion complaints

77. The DCYP MOD Schools exclusions procedure has provision for parents to make representations about exclusions to an Exclusion Review Panel. Further details can be found in the Exclusion Policy for MOD Schools.

Safeguarding complaints

78. Where it is alleged that a member of staff has harmed, or may have harmed, a child, MOD and school safeguarding policies should be followed. Any such allegation must be reported immediately to the school's "Responsible Person" for child protection. If the allegation is against the head teacher, it must be reported to the Senior Principal MOD Schools, DCYP, Trenchard Lines, Upavon, Wiltshire, SN9 6BE.

79. The complainant should be informed that the matter will be dealt with in accordance with safeguarding procedures, and that the matter will not be progressed under the complaints procedures until these are concluded.

Complaints about DCYP MOD Schools' staff

80. If parents have a complaint about the actions of, or a decision made by, a member of DCYP MOD Schools' staff and where this is not covered by other procedures (e.g. SEND admission appeals) the first step is to raise the matter informally with the person concerned. If this does not resolve the matter, the complaint should be set out in writing and sent to the Director Children and Young People Services, DCYP, Trenchard Lines, Upavon, Wiltshire, SN9 6BE.