

CASE DIGEST

02/2023



SCHOOL COMPLAINTS

A guide to best practice when responding to complaints in a school setting



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Introduction

from the Northern Ireland Public Services Ombudsman

School is a substantial, critical and formative part of children and young people's lives. Most children and young people spend on average 6 hours a day in school, 5 days a week for between 12 – 14 years of their lives. The impact and influence of schools on children and young people make it particularly important that schools are safe, nurturing and have a positive culture.

Schools are also small communities where culture, values and relationships are key. When something goes wrong the response is critical and that response will usually be determined by the culture, which is set from the top by the senior leaders.

Schools came within the jurisdiction of the Ombudsman's Office in 2017 and since that time they have increased as an overall percentage of both complaints and investigations. This digest is an opportunity to share with school leaders and Boards of Governors the key issues that have

arisen from complaints and the range of approaches that can make the difference between ongoing difficulties or resolution and solution when problems arise.

The vast majority of parents and teachers want what is best for children and young people, and both receiving or making a complaint can be a difficult experience. However, creating an environment where a complaint is genuinely viewed as an opportunity to listen, learn and improve makes a difference. Not just for the individual parents or families involved but for the whole school community.

The responsibility to respond to complaints as an opportunity lies with both school principals and particularly with Boards of Governors. This digest is part of an ongoing commitment from the Ombudsman's Office to share with each sector the overall themes and learning that arise from our investigations and I hope in that respect it provides a useful overview for schools to consider.



Margaret Kelly

Northern Ireland Public Services Ombudsman

Managing School Complaints

Complaint Handling Procedures



It is important to note that any issue of concern should be raised with a school as soon as possible. Most of the time, issues can be discussed and resolved through communication between the school and whoever is raising the issue. Sharing a concern early, can often resolve the issue quickly and prevent the problem from escalating. If this doesn't work, the complaints process can then be followed.

Investigating and responding to complaints about schools is the responsibility of each school's principal and governing body or Board of

Governors (BoG). A school complaints procedure can usually be found on the school website or a copy can be requested from the school. The school should also make the procedure available in different formats should this be requested by a person bringing a complaint.

At the end of the complaints process, schools must signpost complainants to the Northern Ireland Public Services Ombudsman (NIPSO). The complaint can then be brought to the Office if the person remains dissatisfied.

Role of NIPSO

A complaint can be brought to NIPSO if the person has already exhausted the school complaints procedure and remains dissatisfied with the outcome and/or the process.

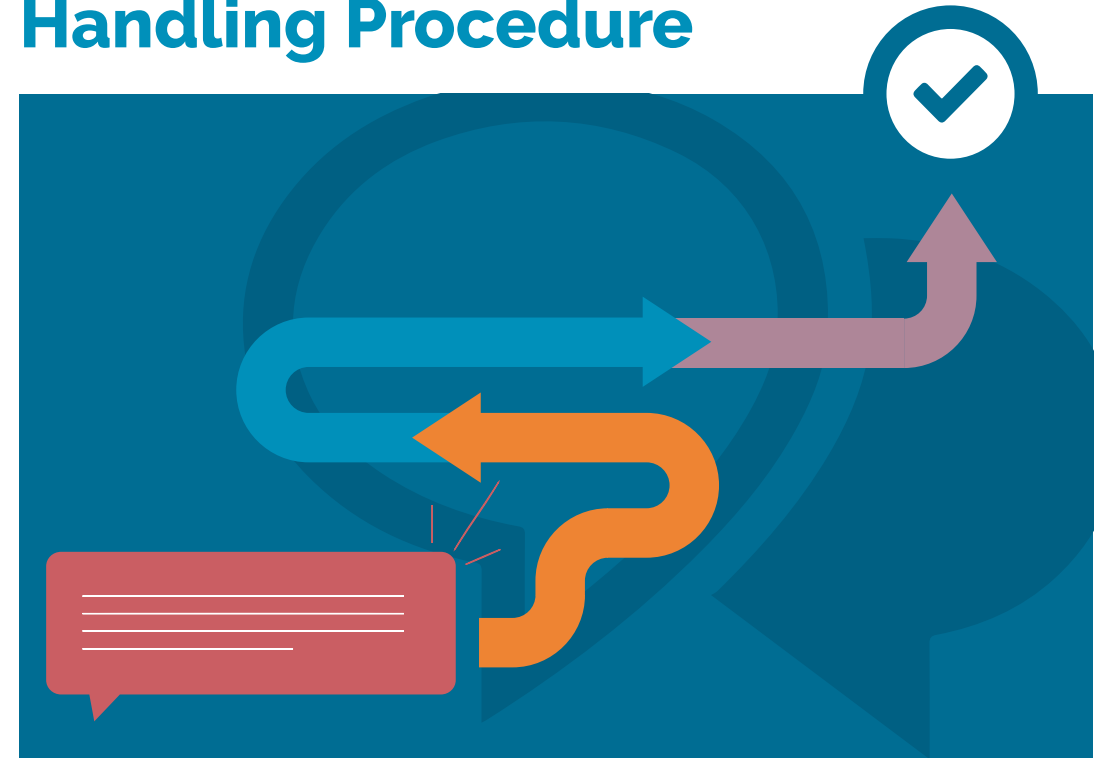


In investigating a complaint, NIPSO is primarily concerned with an examination of the **administrative actions** by the school. It is not NIPSO's role to investigate every decision of a teacher, principal or school. Rather it is to consider whether the relevant standards were followed in how the school operates and the decisions it takes.

NIPSO's work is underpinned by The Principles of Good Administration and The Principles of Good Complaints Handling. The First Principle of Good Administration, 'Getting it right' requires public bodies to act in accordance with

'relevant guidance and with regard for the rights of those concerned'. The Third Principle of Good Complaints Handling requires public bodies to *'Be open and accountable'* by providing information that is clear, accurate and complete, and by providing honest evidence-based explanations and giving reasons for decisions. Furthermore, the Fourth Principle of Good Complaint Handling, 'acting fairly and proportionately' requires bodies to ensure that *'complaints are investigated thoroughly and fairly to establish the facts of the case'*.

Model Complaints Handling Procedure



The Public Services Ombudsman Act (Northern Ireland) 2016 enables NIPSO to produce and publish complaints handling procedures for public services.

NIPSO has committed to working closely with public bodies and representatives of the public to develop a Model Complaints Handling Procedure that public services will be expected to follow. This will establish a clear and consistent complaints system across public services.

In the future NIPSO will be working with schools and Managing Authorities to implement a Model Complaints Handling Procedure which will be the same for every school. Additional support and training will be available to help schools with this process.

In the meantime, this *CASE DIGEST* is intended to be a learning resource for schools and Boards of Governors to help support the management of school complaints.

Complaints Resolution

Just as we encourage early resolution at school level, we also try and facilitate early resolution when a complaint comes to the Ombudsman. Not every complaint NIPSO receives leads to a full investigation. Some complaints are successfully settled in the early stages of the process without the need for a detailed investigation. This type of settlement or resolution generally takes place within 10 weeks of the complaint being received, whereas a full investigation can take up to 50 weeks. Not only is this process quicker but it is often more conducive to relationship building than an investigation.



Resolution is a positive alternative to a lengthy investigation and can achieve closure for complaints within 10 weeks. The two case summaries illustrate cases where resolution was reached without an investigation.

SCHOOL OFFERS RESOLUTION TO PARENTS AFTER TEACHER'S DECISION TO SHOW PUPILS A HORROR VIDEO

Parents of a child left traumatised and deeply upset after watching a horror video at the direction of their teacher, reached resolution in their complaint after the teacher agreed to meet with them to hear their concerns and apologise for the distress caused. As part of the resolution, the chair of the Board of Governors agreed to write to the parents and explain what happened in receipt of their initial complaint, as well as an assurance from the school that teachers would not show pupils video content without prior parental approval.

NURSERY SCHOOL ADDRESSES RECORD KEEPING AND SEN POLICY APPLICATION FOLLOWING PARENT'S COMPLAINT

Parents of a pupil with Special Educational Needs contacted NIPSO with concerns over their child's welfare at school. Their concerns included multiple unanswered questions in relation to policies and practices not being followed, a delay handling their complaint, poor communication and a lack of transparency. They sought an apology and requested that the school implement actions and policies to protect other children. A resolution was agreed before investigation as the Board of Governors apologised to the parents for their failures which included, not implementing the SEN and the Positive Behaviour Management policies properly, not keeping accurate and clear records in respect of incidents and behavioural issues, and poor record keeping of actions and outcomes in supporting pupils and their parents. It was also agreed that the Board of Governors would implement staff training in these important areas.

Key Findings of Case Investigations

Between 2017 – 2022, 22 school complaints proceeded to full investigation. In our analysis of these cases we identified a number of common failings where the management and investigation of complaints within schools failed to meet the Principles of Good Administration and / or the Principles of Good Complaints Handling. In particular, we found that many schools failed to follow their own school complaints procedure.



Key themes of school complaints which reached full investigation between 2017 – June 2022

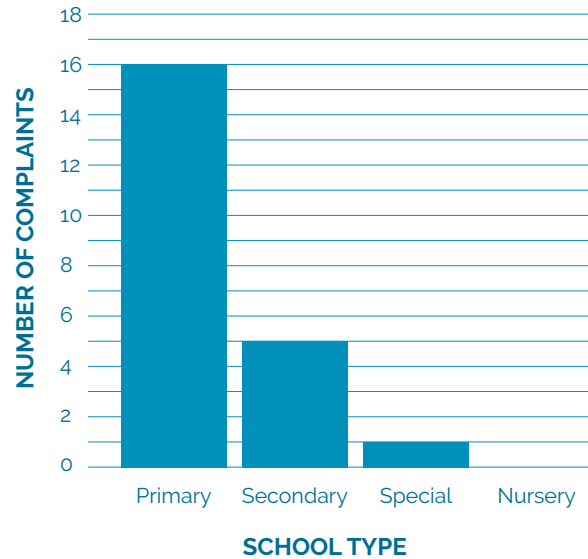
SCHOOL COMPLAINTS BY THEME

Poor record keeping	20
Poor communication with parents	20
Poor complaints handling / not following school complaints policy	17
Concern with how school handled a situation	12
Failure to follow school policy	12
Concerns over SEN plans and arrangements	9
Concern over how a school principal handled an issue / incident	7
Failure to signpost during the complaints procedure	7
Bullying	5
School place	1
Other health related concern	1

NUMBER OF OCCURENCES IN THE PAST 22 CASES

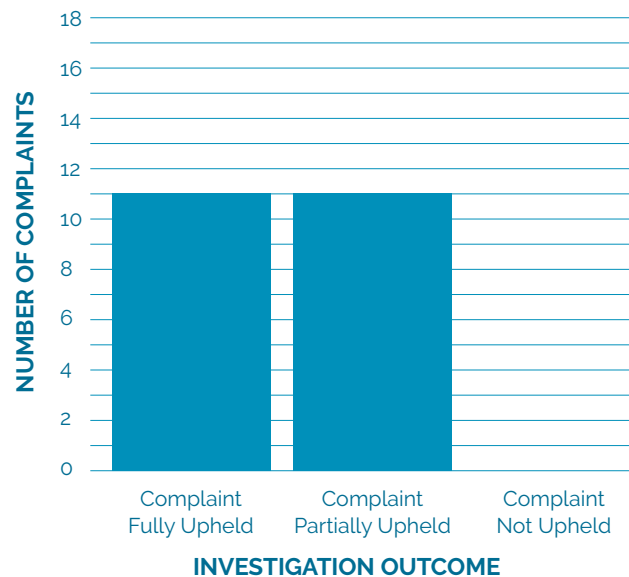
This table illustrates the frequency of particular issues as they appeared in the 22 cases NIPSO investigated within the school sector from 2017-22. Almost all of these cases (91%) contained elements of poor record keeping and communication, whilst over 75% involved a concern about how a complaint had been handled, or that it had not been handled in accordance with the school's own complaints policy.

Table 1.2 Number of Cases per School Type
NUMBER OF CASES PER SCHOOL TYPE



- The majority of investigations conducted by NIPSO involved Primary Schools, 16 of the 22 cases.
- Secondary Schools were involved in 5 and there was 1 investigation involving a Special Education school.
- No investigations involved a Nursery School during this time.
- Although anyone can bring a complaint to NIPSO, including a child or young person, all 22 complaints investigated were brought to the office by a parent of the child involved.



Table 1.3 Investigation Outcomes
INVESTIGATION OUTCOMES



- The graph outlines the outcome of the 22 school investigations conducted by NIPSO in the period of 2017 - June 2022.
- All 22 investigations either fully upheld or partially upheld the complaints made.
- Complaints are partially upheld when there are multiple issues raised by a complainant but upon investigation maladministration was not evident in every issue raised.

Maladministration in School Investigations

Typical Examples

 <p>LACK OF COMMUNICATION with parents during management of an incident / investigation of a complaint.</p>	 <p>POOR SCHOOL RECORD KEEPING in relation to decisions, information sharing and staff handover.</p>
<p>POOR RECORD KEEPING DURING THE COMPLAINT HANDLING PROCESS</p> <p>Specific examples include failure to complete and retain adequate records in relation to:</p> <ul style="list-style-type: none"> - obtaining advice (notes of phone calls with EA for example) - the decision-making process and evidence considered - the investigation process and actions (such as conversations and interviews). 	<p>FAILURE TO FOLLOW SCHOOL PROCESS IN RELATION TO COMPLAINT HANDLING</p> <p>Such as:</p> <ul style="list-style-type: none"> - lack of communication and keeping the complainant updated - timeliness - lack of clarity between front line resolution of specific issues and complaints investigations - failure to signpost complainants to the next stage of the complaints procedure or to NIPSO.

Good recording keeping is not only good practice but provides evidence that an investigation has been undertaken along with documentation to demonstrate the reasons for either upholding or not upholding the complaint. This provides reassurance for all those involved in the process.

School Investigation Trends

Between 2017 – June 2022 there was a decrease in investigations about bullying incidents and an increase in investigations relating to Special Education Need provision.

In the 22 cases investigated, 5 cases contained concerns around bullying and 9 contained concerns around Special Educational Need provision.

The challenges in assessing and meeting the needs of children with special educational needs has been well documented in recent years.



Five cases highlighted issues with how schools had responded to concerns about bullying.



9 of the 22 school investigations contained concerns about SEN.

The NI Commissioner for Children & Young People (2020, Too Little Too Late) described the situation as an education system under extreme pressure which was finding it difficult to respond to the scale and complexity of SEN. The Public Accounts Committee Special Report on Impact Review of Special Educational Needs (Feb 2021) shared concerns around a lack of data and highlighted the need for better management processes and better management information to provide a better service to children and families. The PAC report also referred to two NI Audit Office reports in 2017 and 2020 which highlighted the need for a systemic review of the SEN policies, processes, services and funding model to ensure the provision is sufficient to meet the needs of all children with SEN.

Within this complex context, effective and accessible complaints handling procedures can offer a route for families to have their voice heard and provide schools with valuable data to help inform practice, decision making and how they communicate with families.

INVESTIGATIONS HIGHLIGHTED A NUMBER OF FAILINGS IN RELATION TO COMPLAINTS ABOUT SEN.

POOR COMMUNICATION with parents



POOR RECORD KEEPING of decisions, incidents and annual review meeting.



FAILURE TO ENSURE INDIVIDUAL EDUCATION PLANS ARE SIGNED by all relevant parties.



POOR INFORMATION SHARING

at staff handovers or failing to update substitute teachers about arrangements needed for individual children.



Recommendations from Investigations



As part of the investigation process NIPSO makes recommendations to facilitate resolution and to provide a focus on areas for improvement. The following highlight the recommendations made most often to schools:

APOLOGY

An apology is the first step in many cases to putting things right, and can help to restore trust in the relationship between the school and complainants. Each apology will be unique based on the circumstances, however for guidance on this, NIPSO have published a useful resource '[Guidance on Issuing an Apology](#)' available on our website.

REVIEW OF INTERNAL POLICIES, PROCEDURES, GUIDANCE

An investigation can highlight areas where there may be room for improvement in current practice including record keeping, guidance on following policy, and general protocol for handling issues as they arise. A thorough review can help to identify where there may be failings and where to make changes to prevent the issues arising in future.

TRAINING FOR STAFF AND BoGs

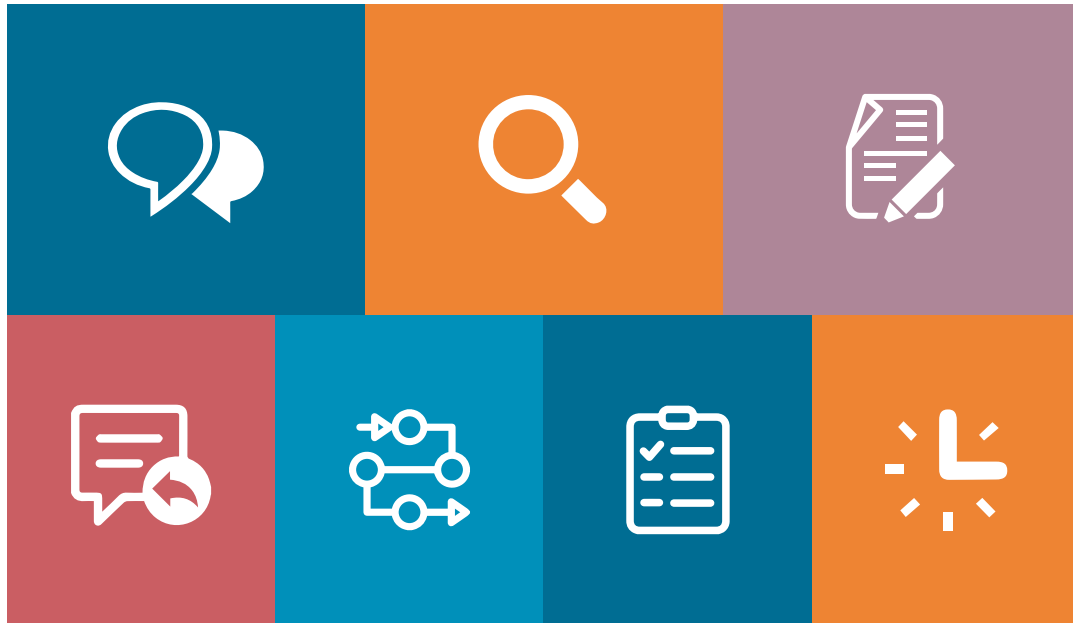
Training may be required in specific areas for example Complaints Handling or Special Educational Needs provision. Ensuring staff and BoGs have received relevant and thorough training is a great way to improve practice. It can also help staff feel supported and equipped to handle situations / complaints in an appropriate way.

AREAS FOR IMPROVEMENT

NIPSO often makes recommendations that specific areas of practice should be reviewed or developed to address the failings identified.



Key Messages for Schools in Handling Complaints



Communication

Keep complainants updated and be open and transparent.



Evidence

Ensure records are maintained to evidence the process, the decision making and the reasons for the outcome of the complaint investigation. A public body should be able to rely on the records made in support of a decision.



Plan the investigation

Plan the investigation before beginning and consider what information you already have and what additional information you need. Where possible, meet with the complainants as part of the investigation.



Clarity of processes

1. Check the understanding and expectations of the person raising the issue at the earliest opportunity. Be clear when something is being handled through frontline resolution and when / if it is moving to another stage in the complaints procedure.
2. Follow and document when necessary the relevant, separate processes needed to differentiate between safeguarding incidents (which may be complex and involve other agencies) and the administration and communication with complainants about how their complaint is being handled.



Respond in full

Address and respond to **all areas** of the complaint in full including any questions made by the complainant.



Follow the school complaints handling process/policy

Check at each step that the school policy is being followed and the correct information is being retained. Ensure complainants are made aware **in writing** that they can bring their complaint to NIPSO if not satisfied.



Timescales

Try and meet the timescale in the policy if possible. If this can't be done - maintain contact with the complainants, provide updates on the investigation, reasons for the delay, and a revised timescale for a response.

Recommended actions for Schools and BoG



1

Undertake a review of the school complaints procedure to ensure it meets the applicable standards. In doing so, schools should consider the EA model complaints handling procedure and associated guidance if they haven't already done so.

3

Ensure the Complaints Procedure clarifies **who** can bring a complaint to the school and also includes information on how to make a complaint about the BoG or a member of the BoG.

2

Ensure the Complaints Procedure is **easily accessible** both online and in hard-copy and families are aware how to request the document in another format or language if needed.

4

Ensure as many members of the BOG have undertaken complaint handling training as possible. Although not compulsory for BoG, at a minimum it is good practice for the Chairperson and at least one Governor to have undertaken training. If a school has a standing Complaints Subcommittee it would be good practice for all members to also complete training.

5

Ensure that complaint handling procedures investigations include:

- thorough and impartial investigations for each **issue of complaint** as one complaint may include more than one issue that needs investigation;
- record keeping of all discussions and meetings relating to the complaints process (schools may wish to consider the '[Records Matter](#)');
- creating and retaining records to evidence the BoG / complaints committees' rationale for their decisions.

6

Consider reviewing the school Disposal of Records Schedule to ensure that all categories of records relating to the investigation of complaints are appropriately considered. Once completed ensure that all members of the BoG receive appropriate advice and training in relation to the retention, storage and disposal of records.

7

Ensure that complainants are made aware of the **stages in the complaints procedure** and that they can bring their complaint to NIPSO if dissatisfied.

8

Develop a culture which views complaints as an **opportunity to learn and improve**. When appropriate implement an action plan and support the relevant school staff to reflect on their practice and access training if needed. Implement any learning or actions for improvement as soon as is practically possible – you do not have to wait until the complaint process is completed.

9

Be mindful of the **well-being of people involved** and take steps to access and provide support where possible. Taking the decision to make a complaint is a big step for most people and being part of a complaints process can be stressful for everyone involved – even when there are good procedures in place.

Conclusion



The purpose of this *CASE DIGEST* is to provide a learning resource for schools and Board of Governors to help support the management of school complaints.

We believe that sharing these cases and highlighting maladministration provides an opportunity for learning and reflection of practice, which can help prevent complaints from escalating or issues from arising in the first instance.

We acknowledge that receiving (and making) a complaint can be difficult, but they are a normal part of any service delivery. The challenge is adopting a positive attitude towards complaints to view them as both an early warning sign and an opportunity to put things right.

Detailed guidance and useful resources are available from Managing Authorities which include Model Complaints Procedures and practical templates. These are available here:

- [Managing School Complaints | Education Authority Northern Ireland \(eani.org.uk\)](http://eani.org.uk)
- [Model Schools Complaints Procedure | Council For Catholic Maintained Schools \(ccmsschools.com\)](http://ccmsschools.com)

NIPSO also has a number of useful resources which can be found here: [Information and guidance • Office of the Northern Ireland Ombudsman \(nipso.org.uk\)](http://nipso.org.uk)

Case Summaries



CASE: PROVISION OF SPECIAL EDUCATION NEEDS SUPPORT IN A PRIMARY SCHOOL

NIPSO investigated a complaint about a lack of support for a child with a Stage One Individual Education Plan (IEP) to address a sight impairment.

The investigation found that the school did not fully implement the child's IEP or respond appropriately to the parent's concerns. They did not follow their own school or the Department for Education policy on SEN and failed to inform the parent that they had changed the pupil's IEP or provide the reasons for the change.

The school also missed an opportunity to address these issues as it did not investigate the complaint appropriately

and did not follow the school's Complaints Procedure. Furthermore, on occasion the school's communication with the parent showed a lack of courtesy, sensitivity and respect and it failed to acknowledge and apologise for a number of mistakes that were made.

The Ombudsman made a number of recommendations, including an apology to the complainant for the maladministration and failures identified. She also recommended a number of improvements to the school's policies and practice to ensure that these meet the requirements of relevant standards and guidance.

CASE: INVESTIGATION INTO COMPLAINT AGAINST PRIMARY SCHOOL PRINCIPAL

The parents of a primary school pupil complained that the school's principal should not have become involved in what they considered to be a minor behavioural issue concerning their child. They said that correspondence they received from the school regarding their complaint was 'dismissive and disrespectful' and claimed that the school's handling of the issue had a detrimental effect on the pupil's wellbeing. In response to our enquiries, the school said it set up a committee to look at the complaint. However, it also said it did not think it was necessary to keep a record of what evidence it looked at, including notes of a discussion with the principal, as it thought there was 'no need'. It also did not record why it decided not to uphold the complaint. Because of this we concluded that the committee's investigation was neither full nor fair. We looked at the notes from a meeting which was held to discuss the parent's appeal against the school's findings. These said that 'the Complaints Committee had investigated this thoroughly and the appeals committee were unanimously in agreement with their decision'.

However, as there were no investigation records on which the appeals committee could base its finding, we questioned the rigour of its review. We expressed

concerns with the school's Behaviour Policy as it did not provide clear guidance on how staff should manage pupil behaviour. We also found that the school failed to inform the parents about the behavioural issue and the principal's involvement. While acknowledging that the principal has ultimate responsibility and discretion for managing how staff deal with behavioural concerns, we found that the principal's involvement in the incident was disproportionate. We also noted that the school's reference to the parent's 'history' of raising complaints was without foundation. The investigation concluded that the school seemed to base their findings solely on the principal's account of the incidents and on the opinions of the Board of Governors.

Finally, and of particular concern, was the school's comment to our office that if the parents were unhappy, they had the right to move their child to another school. We reminded the school of the importance of maintaining a level of professionalism regardless of the circumstances, asking it to consider this when managing complaints and when responding to Ombudsman enquiries in the future. The Ombudsman recommended that the school apologise to the complainants, that it conduct a review of its internal guidance, and delivered training to relevant staff.

CASE: COMPLAINT ABOUT BULLYING IN A SECONDARY SCHOOL

This complaint was submitted by parents who were concerned about the handling of alleged bullying experienced by their daughter. The complaint also concerned the school's handling of the complaint, the delay experienced when arranging a meeting to discuss the child's return to the school, and the school's decision to refuse an external advocate from a children's legal charity to be present at this meeting.

The investigation established that the school failed to act in accordance with its Anti-Bullying Policies and failed to undertake an investigation into the complaint. The school also failed to record and retain information relating to an alleged incident that potentially resulted in the injury of a pupil. The investigation also upheld the complaint that the decision not to allow an advocate to accompany the young person to a meeting was unfair and impeded her ability to fully participate in the process to aid her return to the school.

CASE: ASSESSING AND MANAGING PUPIL'S SPECIAL EDUCATIONAL NEEDS

This complaint from a parent asked NIPSO to investigate whether a privacy board provided for their son during primary five was appropriately managed and implemented and also whether an appropriate process had been followed in assessing and managing their child's special education needs (SEN).

The investigation found a number of failings in relation to SEN provision and record keeping. For example, the school did not open a Special Education Needs Co-ordinator (SENCO) file and develop an action plan as soon as the pupil's SEN were recognised, and his name was placed on the SEN register. The school failed to inform the parents that the child's name was on the SEN register and did not involve the parents in discussions for managing the pupil's SEN. The school also failed to document a number of important discussions and keep records of decision making.

NIPSO identified that both the complainant and her son suffered an injustice because of the failings identified.

**CASE:
COMPLAINT ABOUT SCHOOL'S HANDLING OF AN INCIDENT
UNDER THE SAFEGUARDING AND CHILD PROTECTION POLICY**

This complaint raised concerns about why an incident when their child felt faint was dealt with under the school's Safeguarding and Child Protection Policy. This experience was described as causing the parent *'intense, prolonged, emotional distress.'* The parents also complained that the school did not investigate their complaint appropriately and failed to provide them with information about their child's educational needs which the school had sourced from an external specialist.

The investigation identified a number of failings by the school. Not only did the school fail to follow its own school policies but the policies in question, the school Safeguarding Policy and the school SEN Policy did not comply with the relevant Department for Education guidance. There were a number of failings in relation to record keeping and, in the development, and delivery of

the child's IEP. In relation to treating the incident as a safeguarding issue – the school did not keep a record of rationale for this discretionary decision, did not follow the relevant guidance in failing to seek advice from external agencies and failed to fully inform the parents about the nature of the concern.

In addition, the school did not comply with the school's Parental Complaints Procedure in either the timescales for investigating the original complaint or in maintaining records of the investigation; and failed to apologise either for these failures or for their failure to provide the requested information about the Pupil's SEN to the parents.

The school apologised to the parents and acknowledged that the incident should have been dealt with as an SEN issue and not as a child protection matter.

**CASE:
COMPLAINT ABOUT CONCERNS AROUND
THE USE OF RESTRAINT & SECLUSION**

A parent brought a complaint to NIPSO raising concerns about the use of restraint and seclusion after learning that their 6-year-old child had been placed in an 8 x 4-foot room for the purposes of seclusion. The parent said there was no natural light in the room and that the door had a lock 'to stop children escaping'. The experience had a significant adverse impact on the child, and the parent had concerns about how the school handled their complaint. The NIPSO investigation found a number of failings including - a lack of records on how many incidents of restraint and seclusion had occurred; a failure to inform the child's parent of these incidents; no policy for staff on how the room should be used; a lack of training for staff looking after the child; and that staff taking the child to the room failed to act in line with the school's Reasonable Force policy in relation to the use of restraint.

The complaint handling in this case was also of concern. In particular, the failure of the Acting Principal to pass the first letter of complaint to the Chair of the Board of Governors. As the complaint included allegations that concerned the Acting Principal, the Board of Governors

should have been informed first to ensure independence. The report was also critical that the Board of Governors communicated with the parent using headed paper from a legal firm.

Following our investigation, we recommended that the Board of Governors write to the parent apologising for the actions of the school and the impact its failures had on them and their child. We also asked it to produce an action plan to carry out a number of changes. These included a commitment to training classroom assistants who looked after children with special educational needs, and to ensure staff were aware of the school's policies, as well as their record keeping responsibilities. We also asked the school to provide clearer information to parents and pupils on the school's policies and procedures, particularly in relation to its use of what it referred to as the 'Quiet Room'.

Further detail on this case and the issues around restraint and seclusion are available here:

[Overview-Report-the-use-of-restrictive-practices-in-schools.pdf \(nipso.org.uk\)](https://www.nipso.org.uk/Overview-Report-the-use-of-restrictive-practices-in-schools.pdf)



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