

Holy Trinity CE School.

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## COMPLAINTS PROCEDURES

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## General Principles of complaints

*Most text extracted from 'School Complaints Procedure' document (DCSF – now DFE)*

### Dealing with Complaints – Initial concerns

1. Schools need to be clear about the difference between a concern and a complaint. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

*Schools may also wish to meet with parents if that would help resolve the issue.*

*Similarly parents may be given details of support organisations who may be able to impartially discuss the parents concerns with them (see Appendix 4).*

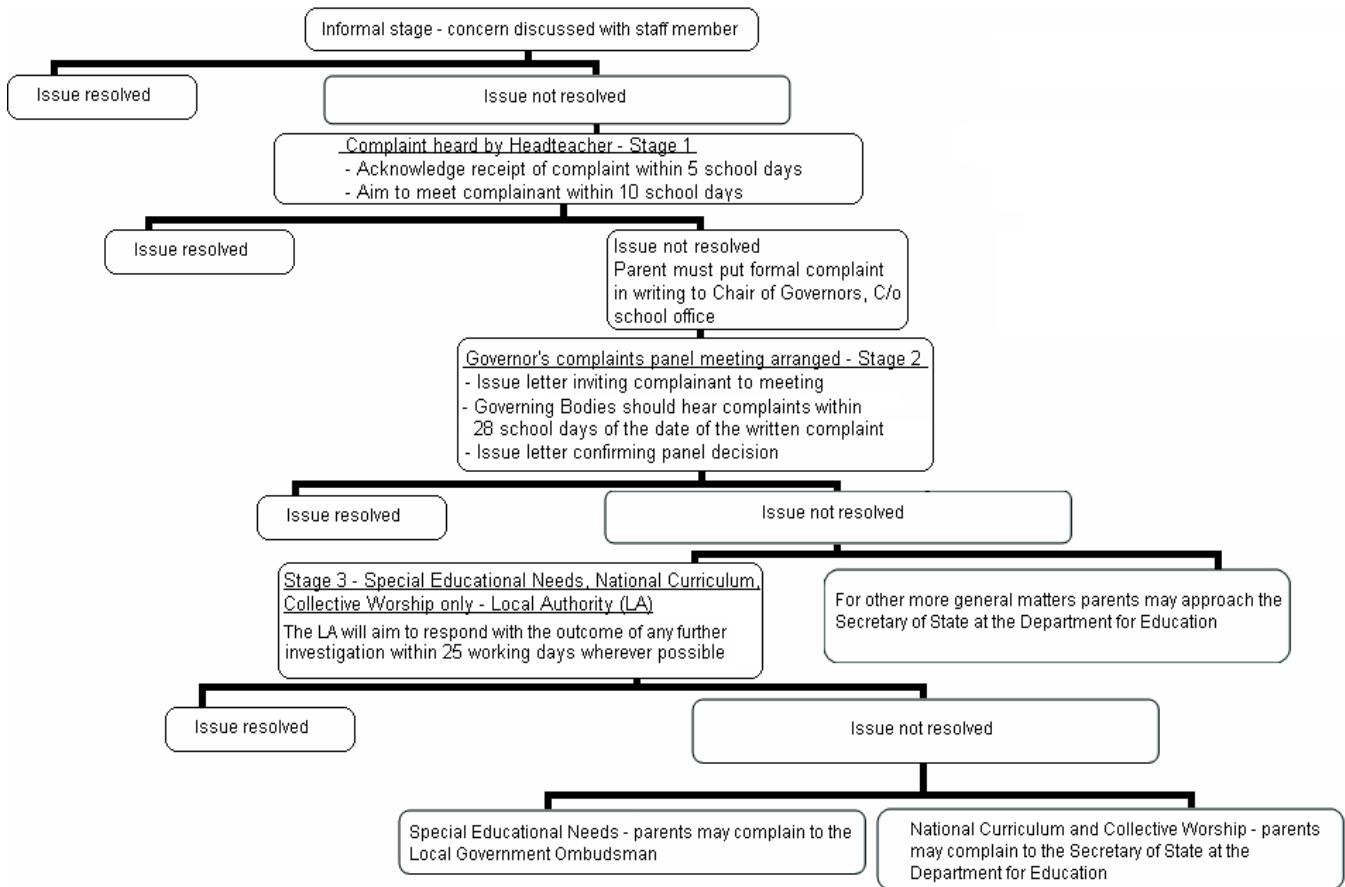
### Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
4. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the Headteacher.

### Flowchart - Summary of Dealing with Complaints

Please see next page.

## Dealing with complaints



## Framework of Principles

### 5. An effective Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;

- provide **information** to the school's senior management team so that services can be improved.

### **Investigating Complaints**

6. It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

### **Resolving Complaints**

7. Prior to a complaint being escalated to involve a formal hearing, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission 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 that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

8. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of liability.

9. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## Vexatious Complaints

10. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for staff;
- the complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the local authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:

- requesting contact in a particular form (e.g. – letters only);
- requiring contact to take place with a named member of staff (e.g. – Head Teacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Complaints Team can be contacted directly where the school identifies a need to discuss a particular case further in order to ascertain whether the complaint can

be considered vexatious or not. Useful contact details are included in this document at the end of Appendix 3.

### **Time-Limits**

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Stages of the complaints process**

12. A clear complaints process has well-defined stages:

Informal – local resolution of the concern with staff member

Stage 1 – complaint heard by headteacher

Stage 2 – governor's panel

Further recourse – Possibly to Local Authority, Local Government Ombudsman, OFSTED or Department for Education (where appropriate).

### **Recording Complaints**

13. It would be useful for schools to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

### **Governing Body Review**

14. The Governing Body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

15. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need

to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

### **Publicising the Procedure**

16. There is a legal requirement for the Complaints Procedure to be publicised. It is up to the Governing Body to decide how to fulfil this requirement but details of the Complaints Procedure could be included in the following ways:

- on the school website;
- in the school prospectus;
- in the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- in the home-school agreement;
- in home-school bulletins or newsletters;
- in documents supplied to community users including course information or letting agreements;
- in a specific complaints leaflet;
- on posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;

## Why does the school need a complaints procedure?

Section 29 of the Education Act 2002 requires all maintained School Governing Bodies to adopt and publicise a complaints procedure for parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, 1991 SEN Information Regulations require governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and parents about SEN provision.

There also remain specific requirements in relation to the National Curriculum, collective worship and religious education under the 1996 Education Act. The details are set out in Appendix 1.

## How will these guidelines help you?

The Model Procedures include:

- Guidelines for Headteachers and Governing Bodies for handling complaints
- A Toolkit for Governors – Hearing Stage 2 Formal Complaints (Appendix 2)

Also included is:

- 'How to complain to your child's school - Information for parents' (Appendix 3). This is also available to print off and distribute at the following link:  
[www.hertsdirect.org/docs/pdf/c/csffact012.pdf](http://www.hertsdirect.org/docs/pdf/c/csffact012.pdf)
- A model leaflet entitled 'How to comment or complain' - this is normally given to parents when their child starts school (Appendix 4)
- Complaints to OFSTED from boarders and their parents and children in boarding schools and residential special schools (Appendix 5)

These procedures are now well-established in Hertfordshire and have been formally adopted or followed by the vast majority of schools. They were drawn up following consultation with headteachers, governors, the Diocesan authorities, the teacher associations and representatives of parent groups in 1995. The Diocese of St Albans commended the adoption of these procedures for Church of England Schools. For Roman Catholic schools the Diocese of Westminster has also provided its own guidelines for dealing with complaints.

The DCSF (now DFE) has confirmed our procedures are well ordered. They have, however, issued guidance in the form of a School Complaints Procedure Toolkit. The document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. However, the good

news is that the DCSF (now DFE) acknowledges that the majority of schools already have a complaints procedure in place, based on LA or Diocesan Board models

The DCSF (now DFE) guidance broadly reflects what this LA has for many years commended to schools. To obtain a copy of the guidance, download it from [www.governornet.co.uk](http://www.governornet.co.uk) (go to Publications and search for School Complaints Procedure Toolkit) or telephone 08000 722 181.

By following the up-dated procedures set out here, schools can ensure complaints are handled effectively.

#### **How should schools handle complaints made by:**

- A member of staff about another member of staff or the headteacher?
- A member of the governing body about a member of staff?
- A member of staff about a member of the governing body?
- A member of staff about the action/decision of the governing body?
- Members of the public (not parents)?
- A parent whose child no longer attends the school?

This model procedure essentially covers complaints made by parents or carers of children who attend the school, but it is important that schools do have in place written procedures for the above eventualities. It would not normally be necessary for schools to consider complaints made 12 months or more after the events complained of.

#### **Complaint made by one member of staff against another (including the Headteacher)**

Complaints from members of staff are not covered by this procedure. They should be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step would be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance). A full transcript of the Model Grievance Procedure for Schools is available at the following link:

[http://www.thegrid.org.uk/schoolworkforce/human\\_resources/policies/documents/csf0031\\_model\\_grievance\\_procedure\\_feb10.doc](http://www.thegrid.org.uk/schoolworkforce/human_resources/policies/documents/csf0031_model_grievance_procedure_feb10.doc)

The Schools HR Advisory Team can be contacted for advice on (01438) 844875.

#### **Complaint made by a governor about a member of staff**

This should be dealt with through the complaints procedure outlined in this document. Clearly the governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of staff, it would be more appropriate to invoke the school's Disciplinary Procedures.

### **Complaint by a member of staff against an individual governor acting in a personal capacity**

The Chair of the governing body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the governor concerned, a panel of governors could be set up to consider the matter as under the normal complaints procedure in this document.

### **Complaint by a member of staff against the action/decision of the governing body**

If the decision was taken at a meeting of the full governing body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of governors). If a committee or individual with delegated authority took the original decision then a panel of governors who were not involved in the decision should review the matter, ensuring that the member of staff concerned was given an opportunity to state his/her case to the panel. Any decision by the panel would be final.

### **Complaint by a member of the public (not a parent)**

Complaints from members of the public are most likely to be dealt with by the Headteacher and beyond that the Chair of Governors.

### **Complaint by a parent whose child no longer attends the school**

The purpose of this complaints procedure is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school it is clearly impossible for the governing body to put things right for that child. However, the governing body has a duty of care to the pupils who remain on roll and it would be advisable for governors to investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a governor's complaint panel, it would be good practice to inform parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the governing body. Complaints of this nature must be put in writing within 3 calendar months of the child leaving the school.

### **What complaint/appeal procedures are NOT covered by this document?**

This complaints procedure does not cover:

- Child Protection Procedures - [www.hertsdirect.org/childprotection](http://www.hertsdirect.org/childprotection)
- Appeals about admissions – [www.hertsdirect.org/scholearn/appeal/appealpanels](http://www.hertsdirect.org/scholearn/appeal/appealpanels)
- Appeals to the governors discipline committee against permanent exclusion from school. Guidance on exclusions is available at the following link -  
[www.hertsdirect.org/scholearn/supporting/governors/faq/exclusionsguide](http://www.hertsdirect.org/scholearn/supporting/governors/faq/exclusionsguide)
- Staff Disciplinary Procedures -  
[www.thegrid.org.uk/schoolworkforce/human\\_resources/policies/documents/csf0030\\_model\\_disciplinary\\_procedures\\_mar10v2.doc](http://www.thegrid.org.uk/schoolworkforce/human_resources/policies/documents/csf0030_model_disciplinary_procedures_mar10v2.doc)

For further information about these procedures, please contact Children, Schools and Families on 0300 123 4043.

### **Complaints about Academies**

Whilst they are required to have a complaints procedure in place, Academies operate independently of the local authority. As such, the local authority is unable to investigate complaints regarding Academies even if the complaints relate to Special Educational Needs provision, the national curriculum or collective worship. Parents wishing to escalate a complaint about an Academy which has not been satisfactorily resolved through the Academy's complaints procedure should contact the Young People's Learning Agency at the following address:

The Young People's Learning Agency  
 Cheylesmore House  
 Quinton Road  
 Coventry  
 CV1 2WT  
 Telephone: 0845 337 2000  
 Email: [enquiries@ypla.gov.uk](mailto:enquiries@ypla.gov.uk)

### **What is the position of staff complained about?**

Under this complaints procedure any member of school staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They should also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with staff disciplinary matters. Therefore, if in the course of considering a complaint the governing body or LA concludes that disciplinary procedures should be initiated, they will take separate action.

### **Where can the school get further help?**

There is a "Toolkit" to help governors with practical arrangements for stage 2 complaints to the governing body attached as Appendix 2. For specific guidance on the materials in the "Toolkit" and for the practical arrangements for carrying out governor investigations and hearings, please contact School Governance on 01438 843082.

### **How long should the school take in dealing with concerns and complaints?**

Schools should aim to deal with these quickly and efficiently at stage 1, so avoiding the formal stage two procedure wherever possible. All complaints should be acknowledged within **5 school days**.

The governing body should deal with and respond fully to stage 2 formal complaints within **28 school days** of the written complaint being received. If this is not possible parents need to be given the reasons for the delay and to be kept informed of progress.

### **What is the FIRST stage in dealing with a complaint?**

Most concerns, or potential complaints, can be resolved informally by offering parents a full discussion with the member of staff who is best able to help. This may involve the headteacher and the Chair of Governors working together to investigate the complaint. This is where the process should start and sometimes governors approached by parents informally will need to steer parents in this direction initially.

**Governors need to be aware that if they do become involved closely with complaints at stage 1, they cannot be involved with stage 2 of the complaints procedure.**

If the complaint is about the provision the school is making for a child's special educational needs, then a parent might find it helpful to talk to the named SEN Officer where this applies. The Parent Partnership Service will be able to provide advice on the procedures the LA has in place for resolving disputes between schools and parents over SEN provision.

Schools should give parents wishing to complain further a copy of the School Complaints Procedure and ask them to set out their complaint in a letter or by completing the complaint form.

### **What is the SECOND stage in dealing with a complaint?**

**Please see "Hearing Stage 2 Formal Complaints - A Toolkit for Governors" (Appendix 2) for detailed guidance on all the practical steps for investigating and hearing stage 2 complaints.**

The Chair of Governors will arrange for the complaint to be investigated and considered under the arrangements approved by the governors for this purpose. This will usually involve a panel of governors appointed to act on behalf of the governing body. **In the**

**case of Special Educational Needs complaints and National Curriculum or Collective Worship complaints, the Chair of Governors must inform the Complaints Manager.**

If the Chair of Governors, or other governors, have been involved in earlier discussions to try and help settle the disagreement at stage 1, then arrangements should be made for another governor with no prior involvement to take charge of the investigation and consideration of the complaint.

It may be helpful to offer the parent an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant. Parents should be provided with full details of how the governors' complaint panel will conduct the further investigation (please see page 12, paragraph 3 entitled 'Complaint by a parent whose child no longer attends the school' for the exception to this rule. A formal hearing is the best way for both parents and the school headteacher and staff to be satisfied they have had a proper opportunity to be listened to by governors. Everyone should also be informed in advance of the order of proceedings for complaint hearings.

Both parties should make available to the panel, in advance, any written information they intend to use in the formal hearing.

### **Who can attend a Stage 2 hearing?**

At any meeting parents may be accompanied by a friend or representative who may speak on their behalf. This person could be an interpreter of their choice and parents should be encouraged to do this where necessary.

The Chair of the panel may invite to the meeting any person who may help establish the facts of the complaint. Parents need to be told who this person is before the meeting.

Any member of staff required by governors to attend any meeting or the hearing will have the opportunity to be accompanied or represented.

A member of staff named by parents in the complaint may also choose to attend even if not required to do so by governors and may be represented. If this happens, parents should be told beforehand.

### **What happens after the investigation/hearing?**

When the complaint has been fully investigated and the hearing has taken place, parents should be notified of the **findings** in writing by the Chair of the panel hearing the complaint or the governor responsible for the investigation within 5 school days of the hearing date.

The report, with findings, should, at the same time, be published to the governing body as a confidential item and will, in addition, include any **recommendations**. A meeting of the governing body must accept the findings but can accept, reject or reject in part, the recommendations. Personal details should not be disclosed, but an outline of the complaint hearing and findings should be given.

The Chair of Governors should write to the parents to confirm any actions agreed by the governing body. Any agreed actions must be implemented by whoever it applies to - this could be the governing body as well as the headteacher. Parents should also be informed whether and how they can take their complaint further.

**A copy of the report must be sent to the Headteacher and the Complaints Manager in the case of those complaints where there is a right in law to a third stage of complaint to the County Council.**

**What can parents do if they are not satisfied with the outcome of the second stage of investigation?**

In most cases it is expected that parental complaints will be satisfactorily resolved following formal complaint to the governing body. However, should parents remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

It should be noted that if parents remain dissatisfied following the outcome of their stage 2 hearing and wish to take their complaint further, they must do so within 28 days of receiving the written outcome of the hearing.

After 28 days, neither the school nor the local authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

**When is there a THIRD stage of complaint to the County Council and how does it work?  
(THIS APPLIES TO VERY FEW COMPLAINTS AS SET OUT BELOW)**

**When it is a complaint about the National Curriculum, or if it is about Collective Worship in a community or voluntary-controlled school.**

Parents can complain further to the LA by writing to the Complaints Manager (see Appendix 1).

The Complaints Manager will acknowledge receipt of the complaint and will notify the Chair of Governors and the Headteacher. The Complaints Manager will arrange for the complaint to be investigated. The investigator will seek the comments of the governing body and any other information or advice as necessary.

Following investigation, the complaint will be considered by a panel of the Complaints Manager and three members of the LA.

Parents of a pupil may discuss their complaint with the investigating officer and may present their case personally to the panel. At any meeting the parent may be accompanied by a friend or representative who may speak on his or her behalf and also by an interpreter of his or her choice. A representative, or two representatives, of the governing body may make an oral presentation if the governing body wish.

When the complaint has been fully investigated and considered the Complaints Manager will notify the parent of the outcome in writing. This will explain the reasons for the decision, any action taken or proposed to be taken and any further recourse available. A copy will be sent to the Clerk and Chair of Governors and the Headteacher. This brings the third stage to a conclusion.

**When it is a complaint about the way a school is providing for a child's Special Educational Needs.**

Parents can complain further to the LA by writing to the Complaints Manager.

The Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the headteacher. The Complaints Manager will arrange for the complaint to be investigated. The investigator will seek the comments of the governing body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the Complaints Manager will notify parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Local Government Ombudsman who may decide to conduct an additional investigation. The contact details for the Ombudsman are as follows:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Telephone: 0300 061 0614  
Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

## **What happens when there is NO statutory third stage of complaint to the County Council?**

**If the complaint is about denominational religious education in a voluntary aided school or collective worship in a voluntary aided school in accordance with the trust deed or previous practice before the school became a voluntary aided school:**

There is no formal right of complaint to the LA (see Appendix 1). This is because the LA has no power to inspect the provision or to influence its content but complaint beyond the second stage may be made to the relevant Diocesan authority where this applies.

For Roman Catholic schools, complainants should write to the Director of the Education Service, Diocese of Westminster, 46 Francis Street, London SW1P 1QN. For Church of England schools complainants should write to the Diocesan Director of Education, Diocese of St Albans Education Centre, Hall Grove, Welwyn Garden City, AL7 4PJ.

**If the complaint is about GENERAL MATTERS that are the responsibility of the governing body:**

**THERE IS NO STAGE 3 INVESTIGATION BY THE COUNTY COUNCIL**

For the vast majority of complaints there is no right of appeal to the LA beyond the school's governing body (please see below for exceptions).

Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

## **Can parents complain to anyone other than the County Council?**

Parents have the right to complain to the Secretary of State for Education (under the Education Act 1996), if they believe that a governing body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the governing body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the LA or the governing body for information. The contact details for the Secretary of State are as follows:

The Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
Telephone: 0870 000 2288

### **Where can parents get help?**

Parents who remain dissatisfied following the Stage 2 consideration of their complaint by the Governing Body may seek advice from the CSF complaints helpline (tel: 01992 588542).

Appendix 4 is a model leaflet for schools. It also shows other sources of help which parents can be signposted to.

### **What kind of record will be kept about complaints?**

The County Council will monitor formally National Curriculum, Collective Worship, and Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure.

Schools should, as good practice, formally record and monitor all stage 2 complaints to the governing body.

Statistics may be published from time to time about the number and nature of complaints about individual schools. Publications will not include reference to any named individual. This is used to identify complaint trends and whether individual schools need particular guidance or support.

The complaints team will maintain records of complaints made or referred by parents to them for advice. These can help the LA identify trends and identify where schools may require particular guidance or support.

## NATIONAL CURRICULUM AND COLLECTIVE WORSHIP COMPLAINTS

### 1. Purpose

- 1.1 The purpose of this appendix is to provide more information on complaints which are specifically about the National Curriculum and Collective Worship, under the terms of Section 409 of the 1996 Education Act as amended by paragraph 107, Schedule 30, School Standards and Framework Act 1998.
- 1.2 They cover complaints made by anyone about the performance of duties or exercise of power by the LA or by the governing bodies of schools maintained by the LA. A complainant may make a complaint on behalf of a group of people with their agreement.

### 2. Scope of the arrangements

- 2.1 The schools covered are all schools maintained by the LA which are:

- primary schools (but excluding nursery classes)
- secondary schools
- special schools which are not established in a hospital

They do not cover nursery schools or special schools established in a hospital.

- 2.2 The kind of complaint covered here is defined by the 1996 Education Act. They are complaints that the governors of a school or the LA are not doing what the law requires of them because they:

- have failed to fulfil any of the duties listed below; or
- have acted or are proposing to act unreasonably in performing any of those duties or exercising any power relating to the curriculum or collective worship.

The duties involved are as follows and are common to the LA and governing bodies unless otherwise stated (references are to sections of the 1996 Education Act).

- (i) The provision of a curriculum including religious education and worship which meets the general requirements of Sections 350 -352 of the Act.

- (ii) The implementation of the national curriculum and compliance with orders and regulations made about its requirements and exceptions to its provisions (Sections 356 - 389).
- (iii) Provision to pupils of compulsory school age of courses leading to an external qualification only if that qualification and the associated syllabus criteria have been approved by the Secretary of State or under arrangements approved by the Secretary of State (Section 400).
- (iv) Provision of religious education and worship as required by the Act and other enactments (Sections 375 - 389 and 394).
- (v) Compliance with regulations about the provision of information (Section 408).
- (vi) Operation of charging policies in relation to the curriculum (Sections 455 - 456).
- (vii) The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 362).
- (viii) In the case of the LA only, the establishment of a standing advisory council on religious education and review of the agreed syllabus for the area if the standing advisory council so require (Sections 390 - 393).
- (ix) In the case of a governing body only, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum.
- (x) Compliance with any other enactments relating to the curriculum.

### **3. Requirements**

3.1 Consideration of a complaint will need to establish whether the LA (or the governors) are acting reasonably and within the law and meeting their obligations or whether if this is not the case some action is required. In considering that question it may be necessary to consider whether:

- the LA's/governors' policy is consistent with legal requirements;
- their actions are consistent with their policy;
- the actions of staff are consistent with their policy.

### **4. The role of the Secretary of State**

- 4.1 The 1996 Education Act lays down that the Secretary of State may not consider any National Curriculum or Collective Worship complaint unless it has first been considered under the LA's arrangements for handling complaints. The intention of this provision is that complaints should, if possible, be dealt with and resolved between the complainant and the parties responsible - the LA and/or the governing body.
- 4.2 A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

## **Guidelines for School Management - Hearing Stage 2 formal complaints**

Please see the suggested format of hearing below (as featured in Annex J).

Stage A	Introductions of everyone present and clarification of the conduct of the hearing. Panel Chair checks that everyone has a copy of this Format of Hearing on the table.
Stage B	Parents present complaint highlighting points made in their written complaint and other documentation. Witnesses are called as and when required.  Panel questions parents to clarify the points they make.
Stage C	Headteacher presents the facts as s/he perceives them - highlighting points made in the written response and other documentation. Witnesses are called as and when required.  Panel questions headteacher to clarify the points s/he has made.
Stage D	Parents summarise their case highlighting evidence including anything that has emerged in the questioning.
Stage E	Headteacher summarises the case for the school highlighting evidence. This should include the school's response and actions in relation to the complaint before the hearing and anything that has emerged in the questioning.
Close	Panel Chair thanks parents and headteacher for attending and gives an indication of when they can expect to hear the outcome.  Parents and headteacher leave the room together. Panel considers all the evidence and comes to its conclusion.

Please be aware that the panel also needs to take the following points into account:

- The hearing should be as informal as possible.

- Witnesses should only be required to attend for the part of the hearing in which they give their evidence.
- The panel may ask questions at any point.

## Hearing Stage 2 Formal Complaints

### A Toolkit for Governors

The material contained in this appendix is designed to guide governors through all the practical steps required by the complaints procedure

#### CONTENTS

##### A checklist of actions:

- upon receipt of a formal letter of complaint
- the Complaints Panel first meeting
- preparing the formal hearing
- when the Panel has reached its conclusion
- if the parent is not satisfied with the outcome

Formal Complaint form

Sample letters

Considering the evidence

Questions for the hearing

Format of hearing

Suggested layout of room

*School Governance* is happy to answer governors' questions on this material

Tel. 01438 843082

This material is also available in downloadable form on

[www.thegrid.org.uk](http://www.thegrid.org.uk)

## INDEX FOR GOVERNORS TOOLKIT

- Formal Complaint form - Annex A

### Sample letters

- Acknowledgement to parent on receipt of the complaint – Annex B
- To headteacher on receipt of parent's complaint – Annex C
- To complaints team from the school advising of SEN, curriculum or collective worship complaints – Annex D
- To parents inviting them to clarify their complaints – Annex F
- To member of staff requesting them to give evidence – Annex G
- To parents and headteacher giving the date of the formal hearing – Annex H
- To member of staff named in the complaint – Annex I
- To parents and headteacher enclosing papers – Annex K
- To headteacher with the panel's conclusions – Annex O
- To complaints team, copy of panel's recommendations – Annex Q
- To parents following the discussion of recommendations by the Governing Body – Annex R
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Considering the evidence	Annex E
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Format of hearing	Annex J
Suggested layout of room	Annex L
The Panel's Conclusions about the Complaint	Annex N
Report from the complaints panel	Annex P

## Guidelines for School Management - Hearing Stage 2 Formal Complaints

### Checklist of actions

**Complaint from .....dated .....**

**Upon receipt of a formal letter of complaint**

Tasks	Done (date)	Notes
Acknowledge receipt of formal complaint		<i>See complaint form, Annex A and letter, Annex B.</i>
At the same time inform the headteacher that a complaint has been received		<i>See Annex C.</i>
Notify your complaints panel that a complaint has been received.  Ask them to set a date for the panel's first meeting to plan their investigation		<p>The panel will typically consist of 3 governors but it is up to the governing body to decide the number for hearing complaints*.</p> <p>The membership of this group should have been established at the first meeting of the autumn term with reserves in case any of the governors needs to withdraw because of having prior knowledge of the incident or having a conflict of interest or unavailability.</p> <p>The governing body may wish to give delegated powers to the chair to vary the complaints panel membership where specialist knowledge by another governor would be useful.</p> <p>If you don't have the panel membership agreed you should call a governing body meeting at which the membership of the panel will be agreed. Since this is a matter of delegating powers you require a two-thirds quorum to set up the panel. The complaint must not be discussed at the meeting.</p> <p>The governing body must delegate powers to <b>reach FINDINGS</b> on whether the parents' complaint is justified since only the members of the panel will have all the evidence to reach their conclusions.</p>

		<p>However, the panel should be delegated to report <b>RECOMMENDATIONS</b> on any further action to the full governing body. This means that the members of the panel do not have to take sole responsibility for decisions on subsequent action and ensures that any decisions will have the backing of the governing body as a corporate group.</p> <p><i>*(The law only specifies at least three governors in the case of dismissal and exclusions)</i></p>
Inform Complaints Team if required		<p>The complaints team should be informed in the case of complaints about SEN, National Curriculum or Collective Worship.</p> <p><i>See Annex D.</i></p>

**The Complaints Panel first meeting *See Annex E***

Tasks	Done (date)	Notes
Make sure you understand the nature of the complaint.		<p>If the complaint is not clear, the complainant will need to be asked for clarification.</p> <p>In particular you will need to be clear whether the governing body is being asked to consider the original incident, or how the headteacher has dealt with it. In practice, it is unlikely that it will be possible to separate the two entirely.</p> <p>However, if the original incident related to something for which the headteacher was responsible under internal management (e.g. class organisation) the governing body must ensure that the complainant is aware that it has no power to change the headteacher's decision – only to review how s/he dealt with the situation and make recommendations if appropriate.</p>
Decide whether it would be helpful to offer the parent an opportunity to talk about the complaint.		<p>In many cases this can help to bring out more fully the nature and detail of the complaint to help the investigation to proceed.</p> <p>A response to the complaint would not be appropriate at this stage and the panel would need to make clear that they will not come to a decision at this stage.</p>

		<p>The complainant(s) may be accompanied by a friend, or representative who may speak on their behalf. The governing body should encourage complainants to be represented by an interpreter of their choice, if language difficulties are likely to be a problem.</p> <p><i>See Annex F.</i></p>
Decide what facts you need to establish.		
Decide what documentation you need to ask to see that may help you to establish the facts.		
Identify who can be asked to provide that documentation.		
Decide how you are going to collect evidence prior to the hearing:		<p>A member of staff, parent or pupil may be a vital witness. Governors may feel that it is best to collect evidence from them privately, prior to the hearing.</p> <p>The desire to keep the number of witnesses at the hearing to a minimum should be balanced against the principles of natural justice which requires that both sides hear what the witness has to say and are able to challenge their testimony.</p> <p>In order to avoid requiring an unwieldy number of witnesses appearing at the hearing, the panel would be advised to seek signed statements from witnesses. These statements would be sent to the complainant(s) before the hearing. The witnesses would only be required to attend the hearing if the complainant(s) or the headteacher could show good reason for challenging their testimony - both that their testimony was critical to the case and that it could be contradicted.</p> <p>*In some cases the panel may wish to interview a witness before the hearing to pin point a specific item of evidence. The panel would need to be scrupulously careful to question in an objective and impartial way to ascertain the facts. The specific item of evidence should be typed up and signed by the witness.</p>
<ul style="list-style-type: none"> <li>• signed statements</li> </ul>		
<ul style="list-style-type: none"> <li>• the panel interviews witness*</li> </ul>		

<ul style="list-style-type: none"> <li>• panel requests witness to attend</li> </ul>		<p>If any member of staff is required to attend any meeting they will have the opportunity to be accompanied or represented as they wish.  <i>See Annex G.</i></p> <p>Note: No child may be requested to attend without written parental permission. Complainants cannot insist that a witness attends. The governing body cannot insist on anyone (except members of staff) attending a hearing.</p>
Decide the date of the complaint hearing.		<p>It may appear to the panel that there is no case to answer but parents lodging the complaint can only be satisfied that the governors have taken it seriously if they take part in a formal hearing. The panel must avoid giving any impression that they have pre-judged the case.</p> <p>The date should be as soon as possible consistent with giving time for the necessary evidence to be collected, copied and distributed to all concerned a week ahead of the hearing, (see below).</p>
Write to parents and headteacher informing them of the date of the hearing.		<p>At the same time ask them to provide a written statement and other documentation by a date at least 10 days before the hearing. Send any signed statements collected by the panel and ask the complainant and headteacher if they are prepared to accept those statements as unchallenged evidence.</p> <p>Also ask them to say if they will be accompanied by a friend and to give the name and address of that person and in what capacity they are attending (friend, interpreter, solicitor, union official etc).  <i>See Annex H.</i></p>
Write to any member of staff named in the complaint to offer them an opportunity to attend the hearing.		<p>You may not wish to use them as a witness but they have a right to attend. They may be accompanied by a friend or representative.  <i>See Annex I.</i></p>

### Preparing the formal hearing

Tasks	Done (date)	Notes

Decide the format of the hearing		A schedule describing the possible format of the hearing is included in <i>Annex J</i> .  All questioning should be conducted by the panel (who are actually the ones carrying out the investigation). It will not normally be appropriate for the 'plaintiff and defendant' to question each other. This should be made clear at the outset and strictly enforced by the Chair. The panel will need to make sure that it asks all the crucial questions that parents and headteachers would have asked. At the end of their questioning the Chair of the panel should ask complainant and headteacher whether the panel has asked all the questions that they would have wished.
Send out papers to parents, headteachers etc		These should arrive at least 7 days before the hearing. This allows good time for everyone to study them. <i>See Annex K.</i>  Papers should include: <ul style="list-style-type: none"><li>• all the documentary evidence</li><li>• names and status (i.e. friend, solicitor, interpreter, union official, etc) of everyone who will attend including any witnesses.</li><li>• a schedule describing the format of the hearing. <i>Annex J - see above.</i></li></ul>
Ensure there is an appropriate meeting room to conduct the hearing		For suggested layout <i>see Annex L</i> .
Decide where parents, headteacher and any witnesses will wait.		It is important that headteacher and parents go into the hearing at the same time so there is no suggestion that the panel have been 'got at'.
Organise someone to take notes.		These notes should enable members of the panel to check back any significant points that were made at the hearing.  Panels are advised NOT to tape record hearings unless they are prepared to spend hours poring in minute detail over every word that was uttered in the hearing. The panel, assisted by the clerk's notes, should be trusted to hear the key points of the evidence without the need for tape recording.
Prepare questions the panel needs to ask on the basis of all available documentation.		<i>See Annex M.</i>

Reflect with all panel members on how the panel can ensure that parents, headteacher (and any other staff involved) feel that they have been given a fair hearing		
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### When the Panel has reached its conclusions

Tasks	Done (date)	Notes
Write with your conclusions to the parents		<p><i>See Annex N.</i></p> <p>In some circumstances the panel may prefer to communicate their findings orally through a meeting with a very brief follow-up letter.</p> <p>The panel should aim to keep its findings brief and simple.</p> <p>If the panel wants to make recommendations such as for restitution or a change in policy, these should not be included in the letter since the decision remains with the governing body which might overturn or amend the recommendation. If follow-up action is agreed it may be appropriate to inform the parents in a separate letter.</p> <p>There is no need to send parents notes of the meeting but they should be available for examination by the LA if the case goes to Stage 3 or to arbitration.</p>
Write to the headteacher enclosing a copy of your conclusions to the parents.		<p><i>See Annex O.</i></p>
Report to governing body		<p><i>See Annex P</i></p> <p>This confidential report should draw the distinction between the panel's findings and its recommendations.</p> <p>The governing body must delegate the power to determine their <b>findings</b> from consideration of all the evidence. This means that the findings must be accepted by the governing body. However, the panel may make <b>recommendations</b> to the full governing body based on lessons learned from the</p>

		investigation of the complaint. Any recommendations will be subject to discussion by the governing body and may not be accepted.
Report to complaints team where required.		Governing bodies are required to report the outcome of complaints into SEN, National Curriculum, and Collective Worship. <i>See Annex Q.</i>
Write again to parents if it is appropriate to report any action decided by the governing body as a result of the panel's findings and recommendations.		<i>See Annex R.</i>

### If the parent is not satisfied with the outcome of the hearing

Acknowledge receipt of their letter and respond appropriately.		There are a number of possible next steps depending on the type of complaint. Complaints about SEN, National Curriculum and Collective Worship may move to Stage 3 with the LA. Remember however - If parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within 28 days of receiving the written outcome of the hearing. After 28 days, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further. For other complaints there is no appeal beyond the governing body although parents can complain to the Secretary of State. A range of responses is shown in <i>Annex S</i> .
----------------------------------------------------------------	--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## **Formal Complaint Form**

**What would you like us to do to put things right?**

Signed	
Date	

Please return this form to the Chair of the Governing Body

**Letter of acknowledgement to parent on receipt of complaint**

Dear .....

**COMPLAINT ABOUT.....**

I am writing to acknowledge receipt of your complaint dated .....

I shall arrange a panel of governors to investigate your complaint. The panel will meet to decide what it needs to do to ensure it has all the relevant evidence and to plan a realistic timetable for the investigation. When this planning is complete, we shall write to you again with further details. You should receive that letter by

.....

I enclose a copy of our complaints procedure.

Yours sincerely

**Chair of the Governing Body**

enc.

Cc. Headteacher

**Letter to headteacher on receipt of parent's complaint**

Dear .....  
.....

**COMPLAINT ABOUT .....**

I have received a letter of complaint from .....(name of parent)  
dated ..... I enclose a copy of the complaint for your information.

In line with our complaints procedure, I shall arrange a panel of governors to investigate the complaint. The panel will meet to decide what it needs to do to ensure it has all the relevant evidence and to plan a realistic timetable for the investigation. When this planning is complete, we shall write to you again with further details. You should receive that letter by .....

You will appreciate that the governing body must be equally fair to both sides in investigating this complaint.

I would be grateful if you could send me a written statement responding to the complaint. You will have an opportunity to expand on the statement but it would be very helpful if you can submit your initial statement before the panel meets to plan its investigation on ..... (date).

Yours sincerely

**Chair of the Governing Body**

enc.

**Letter to Complaints Team informing about a complaint concerning  
SEN, Curriculum or Collective Worship**

Complaints Team  
Customer Focus  
County Hall  
Hertford  
SG13 8DF

Date .....

Dear

**COMPLAINT CONCERNING SEN/CURRICULUM/COLLECTIVE WORSHIP**

The governing body have received a complaint from name  
..... dated ..... concerning  
.....

I enclose a copy of the complaint.

The governing body will investigate the complaint and report the outcome to you as soon as the investigation is complete.

Yours sincerely

**Chair of the Governing Body**

enc.

**Considering the evidence**  
**A suggested format for clarifying issues and seeking information**

**What is the  
complaint?**

**What facts are  
not disputed?**

- 
- 
- 
- 
- 

**What facts do  
we need to  
establish**

**How?**  
*(documentation from .....*  
*questioning of .....*)

**Comments**



**Letter to parent inviting them to clarify the complaint**

Dear .....

**COMPLAINT ABOUT .....**

The Chair/clerk has passed your complaint to me as the Chair of the complaints panel. The panel of governors has met to plan our investigation of your complaint. Members of the panel are ..... (named governors)

We would like to get a clearer understanding of your complaint before we start the investigation. The questions we would particularly like to ask are:

We think it would be helpful if you could meet with the panel to give us more detail of your complaint. We have arranged a meeting on .....(date) and hope that you will be able to attend. If you cannot attend on that date please contact me (telephone) and we shall try to arrange another time. You may prefer to write with more details. If so, please reply by .....(the day before the suggested meeting date).

Your daughter/son .....(name) may also be able to help us clarify some points. We should be very pleased if you are able to bring her/him with you to this meeting. We cannot insist that she/he attends.

**The meeting we suggest is not a formal hearing of your complaint.** The panel would not come to a decision at this stage.

You may be accompanied at the meeting, if you wish, by a friend, or representative who may speak on your behalf. (*You may also bring an interpreter of your choice, if you need one.*)

Please let me know, as soon as possible, whether you will attend the meeting on ..... (date).

Yours sincerely

**Chair of Complaints Panel**

**To member of staff required to give evidence**

Dear

**COMPLAINT ABOUT .....**

The governing body has received a complaint from ..... and a panel has been convened to consider the complaint comprising ..... (named governors).

The panel is keen to establish all the relevant facts and it would be very helpful if we could interview you to ascertain ..... (what are the questions you wish to ask?).

We are therefore asking you to attend .....(the arrangements that you have decided).

**This meeting is not a formal hearing of .....'s complaint** but you are entitled to be accompanied by a friend or representative, if you wish. I should be grateful if you would confirm your attendance at this meeting and let me know the name and status of any friend or representative who will accompany you.

I enclose a copy of the school's complaints procedure for your information.

Yours sincerely

**Chair of Complaints Panel.**

**Letter to parents and headteacher giving date of the formal hearing**

Dear .....

**COMPLAINT ABOUT .....**

The Chair/clerk has passed your complaint on to me as the Chair of the complaints panel. The panel of governors has met to plan our investigation of your complaint. Members of the panel are .....(named governors).

We have arranged a formal hearing of the complaint on .....(date and time) at ..... (venue).

Your child may give evidence if you wish. (This is only applicable in the letter to the parent).

You are entitled to be accompanied by a friend or representative, if you wish. I should be grateful if you would confirm your attendance at this meeting and let me know the name of any friend or representative who will accompany you by ..... (date, at least 9 days ahead of formal hearing). It would help us to know in which capacity the additional person is attending - interpreter, legal representative, friend etc).

I shall write to you by .....(date, at least 7 days ahead of formal hearing) to let you know the names of everyone attending the formal hearing and enclosing copies of all the written evidence provided by the parents, the headteacher and any witnesses. If you wish to submit any further evidence, please send it to me by ..... (date, at least 9 days ahead of formal hearing).

Yours sincerely

**Chair of Complaints Panel.**

cc parent/headteacher

**NB The first paragraph of this letter will need to be amended if you have already sent the letter in Annex C.**

**Letter to member of staff named in the complaint**

Dear .....

**COMPLAINT ABOUT .....**

The governing body has received a complaint from ..... (named parents) in which you are named. I enclose a copy of the complaint and the school's complaints procedure for your information.

We have arranged a formal hearing of the complaint on .....(date and time) at ..... (venue).

As a member of staff named in the complaint you are entitled to attend although we do not wish to call you as a witness. You are entitled to be accompanied by a friend or representative, if you wish.

I should be grateful if you would let me know whether you wish to attend this hearing and inform me of the name of any friend or representative who will accompany you by ..... (date, at least 9 days ahead of formal hearing). It would help us to know in which capacity the additional person is attending - legal representative, union representative, friend etc).

I shall write to you by .....(date, at least 7 days ahead of formal hearing) to let you know the names of everyone attending the formal hearing and enclosing copies of all the written evidence provided by the parents, the headteacher and any witnesses.

Yours sincerely

**Chair of Complaints Panel**

## Format of Hearing

Stage A	Introductions of everyone present and clarification of the conduct of the hearing. Panel Chair checks that everyone has a copy of this Format of Hearing on the table.
Stage B	Parents present complaint highlighting points made in their written complaint and other documentation. Witnesses are called as and when required.  Panel questions parents to clarify the points they make.
Stage C	Headteacher presents the facts as s/he perceives them - highlighting points made in the written response and other documentation. Witnesses are called as and when required.  Panel questions headteacher to clarify the points s/he has made.
Stage D	Parents summarise their case highlighting evidence including anything that has emerged in the questioning.
Stage E	Headteacher summarises the case for the school highlighting evidence including anything that has emerged in the questioning.
Close	Panel Chair thanks parents and headteacher for attending and gives an indication of when they can expect to hear the outcome.  Parents and headteacher leave the room together. Panel considers all the evidence and comes to its conclusion.

Please be aware that the panel also needs to take the following points into account:

- The hearing should be as informal as possible.
- Witnesses should only be required to attend for the part of the hearing in which they give their evidence.

- The panel may ask questions at any point.

**Letter to parents and headteacher enclosing papers**

Dear .....

**COMPLAINT ABOUT .....**

Thank you for providing the information we asked for in our letter of .....  
date (Letter Annex G)

I am now in the position to give you full details about how we propose to conduct the hearing of your complaint on (date) and to enclose all the statements and other evidence we shall use to consider your complaint.

The hearing will start at (time). You are asked to report to the school office. You will be shown to a waiting area. The clerk will collect headteacher and parents from the waiting area and they will be introduced to the panel at the same time.

The hearing will be attended by: (*insert names*)

- *members of panel*
- *clerk/note taker*
- *parents*
- *friend or representative (indicating status)*
- *headteacher*
- *head's representative (indicating status)*
- *witnesses (if required)*
- *additional named staff (who are entitled and have expressed an intention to attend)*.

The following written statements and evidence is enclosed:

- *statement of complaint*
- *headteacher's statement*
- *statements from witnesses*
- *any other evidence*

The format of the meeting is described on the attached sheet. (*enclose Annex J amended as required*)

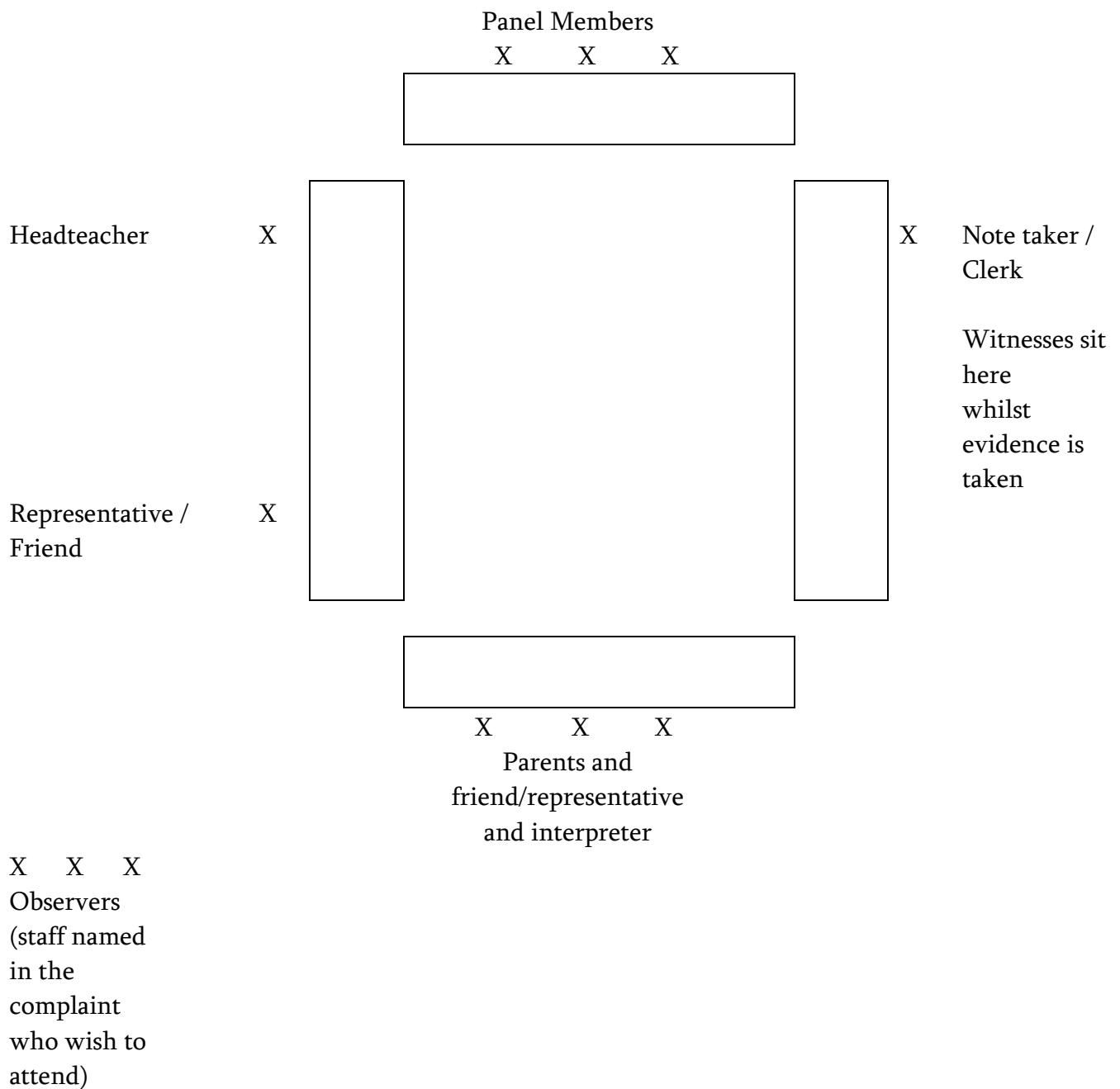
I wish to remind you that the panel will investigate the process by which any decisions which are the subject of your complaint were arrived at.

We look forward to meeting you on .....

Yours sincerely

**Chair of Complaints Panel**

Suggested layout for Complaints Hearing



**Questions for the hearing**

A suggested format for the panel to agree lines of questioning and to record evidence provided at the hearing.

**What is the complaint?**

**What facts are not disputed?**

- 
- 
- 
- 
- 
- 

**What facts do we need to establish**

**What questions do we need to ask of whom?**

**Conclusions**

**Annex N**

**The Panel's Conclusions about the Complaint**

Dear .....

**COMPLAINT ABOUT.....**

Thank you for attending the hearing on ..... The panel considered the evidence very carefully and we have come to the following conclusion(s).

*Optional addition:*

As a result of our investigation there are a number of recommendations that we shall be making to the governing body. We shall write to you again to inform you of any action the governing body decides to take as a result of this incident.

Yours sincerely

**Chair of Complaints Panel**

Cc. Headteacher

Any staff member named in the complaint

Complaints team

**Letter to Headteacher with the panel's conclusions**

Dear .....

**COMPLAINT ABOUT.....**

Thank you for attending the hearing on ..... The panel considered the evidence very carefully and we have come to the following conclusion(s).

*Add a paragraph about any action that you propose to take or recommendations you will make as a result of these conclusions.*

I enclose a copy of the letter that we have sent to the parents.

Yours sincerely

**Chair of Complaints Panel**

enc.

(Please ensure that a copy of this letter is shared with the member of staff named in the complaint – if applicable)

**STRICTLY CONFIDENTIAL**

**Report from the Complaints Panel**

Report on a complaint: .....  
(give brief summary of complaint – no personal details)

Hearing date .....

Panel membership

- .....
- .....
- .....

The panel reached the following findings (exact wording from letter to the parent(s))

The panel asks that the following recommendations be considered by the full governing body meeting on .....

(a)

(b)

(c)

(d)

(e)

**Copy to Complaints Team**

Complaints Team Manager  
County Hall  
Hertford  
SG13 8DF

Dear

**MR AND MRS .....**  
**COMPLAINT ABOUT.....**

Please find enclosed the letter which we have sent to ..... (named parents) with the panel's conclusions following a hearing of their complaint on ..... (date).

Yours sincerely

**Chair of Complaints Panel**

**Letter to parents following discussion of any recommendations  
by the governing body.**

Dear.....

**COMPLAINT ABOUT .....**

When we wrote to you with our findings following the investigation of your complaint we told you that we would be making some recommendations to the governing body. The governing body has discussed our recommendations and has agreed the following action.

Yours sincerely,

**Chair of the Governing Body**

**Letter to Parents not satisfied with the governing body's conclusions**

Dear.....

**Complaint about .....**

I am sorry to hear that you are not satisfied with the conclusions we reached over your complaint. The panel made every effort to be scrupulously fair in hearing your complaint and taking account of all the evidence presented to us.

Insert here responses that you wish to make to the points raised in their letter if appropriate.

Since this is a complaint about SEN/National Curriculum/Collective Worship you may lodge a third stage complaint with the LA. Please write to the CSF Complaints Team, County Hall, Hertford, SG13 8DF.

*or*

You may make a complaint to the Secretary of State for Education if you believe the governing body has acted outside its powers or is misusing them. The Secretary of State's address is Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

Yours sincerely

**Chair of Complaints Panel**

# How to complain to your child's school - information for parents

## Introduction

School Governors are responsible in law for having a published complaints procedure and for responding to complaints. These complaints arrangements are well-established and were made following consultation with headteachers, governors, the Diocesan authorities, teacher associations and representatives of parent groups. For Church of England schools the Diocese of St Albans commends the adoption of this procedure. For Roman Catholic schools, the Diocese of Westminster provides its own guidelines to schools for dealing with complaints.

## What happens at the first stage?

Most concerns, complaints or potential complaints can be resolved by talking to the member of school staff concerned. The school can tell you who you should speak to first. You may wish to request a copy of the school's complaints procedure, available from the school office/website. If the concern isn't resolved by speaking to a member of staff, you should then request a meeting with the headteacher who will investigate your complaint and aim to inform you of the outcome within 10 school days. If your first contact is with individual governors, you may be asked to take up your concerns with the headteacher or the appropriate member of staff. A governor should not be made aware of a potential complaint as they may be required to sit on a panel in the event of a formal hearing (2<sup>nd</sup> stage) and should be impartial.

If your complaint is about the headteacher, you should write to the chair of governors at the school. If your child has Special Educational Needs (SEN) you might find it helpful to talk to the Special Educational Needs co-ordinator (SENco) at your child's school or your named Special Needs Officer if your child has a Statement of SEN. A Parent Partnership supporter may also be able to help you.

## What happens at the second stage?

The school may ask you to complete a form or write a letter addressed to the chair of governors. In the letter you should:

- make it clear why you are complaining
- say who you have spoken to already
- explain what you want to happen as a result of your complaint.

The chair of governors will arrange for your complaint to be considered and investigated under the arrangements approved by the governing body. This is likely to involve a

panel of governors. If the chair of governors or another governor has been involved in discussions to help settle the disagreement at stage 1, s/he should arrange for another governor to take charge of the investigation. The governor in charge of investigating the complaint may ask to meet you to discuss your concerns. The governing body should give you full details of how they will carry out any further investigation or formal hearing and keep you up-to-date with progress.

You and the school must make sure the governors' complaint panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The chair of the panel may invite any person who may help establish the facts of the complaint. The chair should tell you who this person is before the meeting. If any member of staff is required by the governing body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named by parents in the complaint may also choose to attend a meeting, even if not required to do so by the governors. They may be represented. If this happens, the school will inform you before the meeting.

When the panel has fully investigated your complaint, the chair of the panel or the governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the governing body. The chair of governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. The governing body should aim to deal with complaints within 28 school days of the date of the written complaint.

### **Is there a third stage of complaint?**

**For most complaints, the procedure ends with the governing body and there is no third stage of complaint to the local authority.**

If the school's complaints procedure has been exhausted and you remain dissatisfied, you can approach the Secretary of State. Further advice is available from the Children's Legal Centre, the Advisory Centre for Education (ACE) or Parentline Plus.

**If your complaint is about the way that a school is providing for your child's Statement of Special Educational Needs you do have a third stage of complaint to the local authority.**

In this case, you can write to the complaints manager who will acknowledge your complaint within five working days and then inform the chair of governors and headteacher. The complaints team will aim to investigate your complaint within 25 working days, however this may be longer for complex situations. When your complaint has been fully investigated the complaints manager will write to let you know the decision. S/he will give the reasons for the decision, any action or proposed action to be taken and any further avenues open to you. S/he will send a copy to the headteacher, the chair of governors and anyone else concerned in the investigation.

Parents who remain dissatisfied following further investigation by the local authority have the right to complain to the Local Government Ombudsman who may decide to conduct an additional investigation: Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH. Tel: 0300 061 0614. Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

**If your complaint is about the national curriculum or collective worship in a community or voluntary-controlled school, you do have a third stage of complaint to the local authority.**

In this case, you can complain further by writing to the complaints manager who will acknowledge your complaint within five working days and inform the chair of governors and headteacher. S/he will make sure your complaint is investigated and will ask the governing body for further information or advice as necessary. Following this investigation, a panel made up of the complaints manager and three members of the local authority will consider your complaint. You may talk to the investigating officer about your complaint and present your case personally to the panel. You may bring a friend, representative or interpreter to any meeting if you wish. Up to two representatives of the governing body may speak at the meeting.

When the panel has fully investigated your complaint the complaints manager will write and let you know the decision. S/he will explain the reasons for the decision, any action taken or proposed to be taken and any further avenues open to you. S/he will send a copy to the clerk and chair of governors and the headteacher. The aim will be to complete this process within 25 working days (this may be longer for complex cases).

**If your complaint is about denominational religious education or collective worship in a voluntary-aided school you do not have a third stage of complaint to the local authority.**

This is because the local authority has no power in voluntary-aided schools to inspect the provision or to influence content. You may complain beyond the second stage to the relevant Diocesan authority where this applies:

***For Roman Catholic schools:*** The Director of the Education Service, Diocese of Westminster, 46 Francis Street, London, SW1P 1QN. Tel: 020 7798 9005. Email: [education@rcdow.org.uk](mailto:education@rcdow.org.uk)

***For Church of England schools:*** The Diocesan Director of Education, Diocese of St Albans Education Centre, Hall Grove, Welwyn Garden City, AL7 4PJ. Tel: 01707 332321. Website: [www.stalbans.anglican.org](http://www.stalbans.anglican.org)

**Can I complain to anyone other than the County Council?**

**Yes, you can complain to the Secretary of State at the Department for Education:** The Secretary of State, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. Tel: 0870 000 2288. Web: [www.education.gov.uk](http://www.education.gov.uk)

Please note that the Department for Education will only follow up your complaint with the school or the local authority if they believe either might have acted unreasonably or failed to carry out a statutory duty.

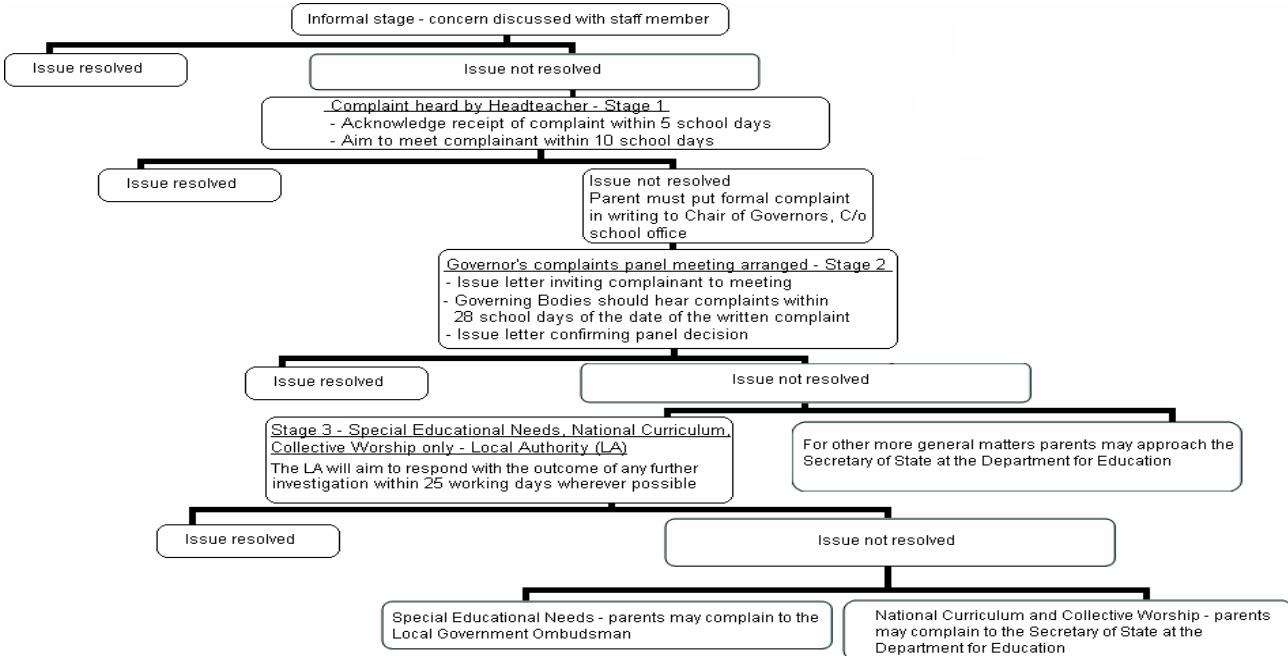
## Complaints about Academies

Whilst they are required to have a complaints procedure in place, Academies operate independently of the local authority. As such, the local authority is unable to investigate complaints regarding Academies even if the complaints relate to Special Educational Needs provision, the national curriculum or collective worship. If you have a complaint about an Academy which has not been satisfactorily resolved through the Academy's complaints procedure, you should contact the Young People's Learning Agency. Write to: The Young People's Learning Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT. Tel: 0845 337 2000. Email: [enquiries@ypla.gov.uk](mailto:enquiries@ypla.gov.uk)

## Useful contact details

Chair of Governors	The school secretary can tell you who this is and pass on any written correspondence (all correspondence must be through the school)	
Complaints Team Children Schools and Families	<a href="http://www.hertsdirect.org/csfcustomerfocus">www.hertsdirect.org/csfcustomerfocus</a> Email: <a href="mailto:cft.csf@hertscc.gov.uk">cft.csf@hertscc.gov.uk</a>	01992 588542
Parent Partnership Service (SEN)	<a href="http://www.hertsdirect.org/parentpartnership">www.hertsdirect.org/parentpartnership</a> Email: <a href="mailto:parent.partnership@hertscc.gov.uk">parent.partnership@hertscc.gov.uk</a>	01992 555847
Minority Ethnic Curriculum Support Service (MECS) If your complaint is about racial harassment or discrimination	<a href="http://www.thegrid.org.uk">www.thegrid.org.uk</a>	01438 844752
ACE (Advisory Centre for Education)	<a href="http://www.ace-ed.org.uk">www.ace-ed.org.uk</a>	0808 800 5793
POhWER (advocacy service)	<a href="http://www.pohwer.net">www.pohwer.net</a>	01438 740162 (North Herts) 01438 846010 (South Herts)
ParentlinePlus	<a href="http://www.parentlineplus.org.uk">www.parentlineplus.org.uk</a>	0808 800 2222
Carers in Herts	<a href="http://www.carersinherts.org.uk">www.carersinherts.org.uk</a>	01992 586969
Children's Legal Centre	<a href="http://www.childrenslegalcentre.com">www.childrenslegalcentre.com</a>	01206 873820
Citizen's Advice Bureau	<a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>	

## Summary of the complaints process



## Appendix 4

# Information for Parents

## How to comment or complain

*[Enter school name, website address and telephone number here]*

### HOW TO COMMENT OR COMPLAIN

#### We care about what you think

Each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning.

You may want to talk to us about a particular aspect of this school, though not actually make a complaint - you just want to get something 'off your chest'.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel able to contact us using the details listed above.

### **Our aims**

- Your complaint will be dealt with honestly, politely and in confidence
- Your complaint will be looked into thoroughly and fairly
- If your complaint is urgent we will deal with it more quickly
- We will keep you up to date with progress at each stage
- You will get an apology if we have made a mistake
- You will be told what we are going to do to put things right
- You will get a full and clear written reply to formal complaints within 28 school days

**Enter school name here**

**Enter school motto here (if applicable)**

Telephone: Enter school telephone number here

Web: Enter school website address here

Enter school  
logo here

## **How to make a complaint**

### **First**

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing (by letter or email). We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or another appropriate member of staff, such as the special educational needs co-ordinator (SENCo) if it is about special needs.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the first person you talk to cannot help you then speak to the headteacher. Make an appointment with the school secretary to make sure the headteacher is available. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step.

### **Second**

If you are not satisfied you can complain formally by filling in a form, which is available from the school office and online (*include or delete as appropriate*). Address the form to the Chair of Governors. The school secretary will tell you who this is and pass on any written correspondence. The Chair will then arrange for your complaint to be investigated and considered and will reply within 10 working days to give you a progress report and tell you what will happen next. This is likely to involve a panel of governors. When your complaint has been fully investigated you will be told of the outcome in writing.

### **Third**

Most complaints are the responsibility of the governing body of the school and will be resolved by them. A small number of complaints may not be resolved by this process.

In the case of complaints about **Special Educational Needs**, the **National Curriculum** or **Collective Worship**, in Local Authority maintained schools, you can complain further to the local authority. This should be done by writing to the Complaints Manager in the Customer Focus Team at the address on the back page.

It should be noted however that if you wish to pursue this route, you must do so within 28 days of receiving the written outcome of the hearing into your complaint. After 28 days, neither the school nor the local authority is under any obligation to investigate or progress your complaint any further.

## Useful contacts

### County Councillor for your area

[www.hertsdirect.org/yrccouncil/councillors/](http://www.hertsdirect.org/yrccouncil/councillors/) or contact the Members Secretariat at County Hall on **01992 556556**

### Advisory Centre for Education (ACE)

1C Aberdeen Studios, 22 Highbury Grove, London, N5 2EA

Free Advice Line 2-5pm, Monday to Friday

Web: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Email: [enquiries@ace-ed.org.uk](mailto:enquiries@ace-ed.org.uk)

Phone: **0808 800 5793**

### Children's Legal Centre

University of Essex, Wivenhoe Park, Colchester, Essex, CO4 3SQ

Free Advice Service, 2-5pm

Web: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Email: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

Phone: **01206 873820**

### Complaints Team

Customer Focus Team, CSF, County Hall, Hertford SG13 8DF

Web: [www.hertsdirect.org/csfcustomerfocus](http://www.hertsdirect.org/csfcustomerfocus)

Email: [cft.csf@hertscc.gov.uk](mailto:cft.csf@hertscc.gov.uk)

Phone: **01992 588542**

### Parent Partnership Team (Special Educational Needs)

Customer Focus Team, CSF, County Hall, Hertford SG13 8DF

Web: [www.hertsdirect.org/parentpartnership](http://www.hertsdirect.org/parentpartnership)

Email: [parent.partnership@hertscc.gov.uk](mailto:parent.partnership@hertscc.gov.uk)

Phone: **01992 555847**

The Parent Partnership service provides impartial information and offers guidance on special educational needs to parents, carers and professionals. There are four Parent Partnership supporters in the county and you can contact your local supporter directly and confidentially. Their contact details are as follows:

- **Irene Holland - 01462 634488**  
(Stevenage/Hitchin/Letchworth/Baldock/villages)
- **Dawn Owen - 01920 411152**  
(Hertford/Ware/Bishops Stortford/Waltham Cross/Hatfield/WGC/villages)
- **Kären Edwards - 01442 453316**  
(Watford/Rickmansworth/Potters Bar/Borehamwood/villages)
- **Helena Marks - 01442 217143**  
(St Albans/Hemel Hempstead/Tring/Harpenden/Berkhamsted/villages)

**ParentlinePlus**

520 Highgate Studios

53-79 Highgate Road

Kentish Town

London, NW5 1TL

Web: [www.parentlineplus.org.uk](http://www.parentlineplus.org.uk)

Phone: 0808 800 2222

### **School-based Complaints Procedures – 1**

**Boarding Schools – Complaints to OFSTED (Office for Standards in Education, children's services and skills)**

(formerly Commission for Social Care Inspections (CSCI) / National Care Standards Commission (NCSC))

OFSTED is now responsible for inspecting the welfare arrangements in boarding schools.

In respect of schools, OFSTED will investigate complaints about the welfare of children and will refer to the local social services authority any complaint it receives, which include allegations or suspicions of abuse.

The Department of Health issued in 2002 National Minimum Standards – Inspection Regulations for Board Schools and Residential Special Schools. (The documents are available on [www.dh.gov.uk](http://www.dh.gov.uk)). The relevant standard for boarding schools is:

#### **Boarding Schools – Standard 5**

'The school should have, and follow, an appropriate policy on responding to complaints from boarders and parents.'

Please note, in particular:

- 5.4     Boarders and their parents are informed by the school of how they can contact OFSTED regarding any complaint concerning their welfare.

Your published school-based complaint leaflet and procedure need to reflect these requirements and should therefore include the contact details set out below:

OFSTED (Office for Standards in Education, Children's Services and Skills)  
Complaints Manager  
3<sup>rd</sup> Floor, Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA  
Telephone: 08456 40 40 45  
[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

## **School-based Complaints Procedures – 1a**

### **Residential Special Schools – Complaints to OFSTED (Office for Standards in Education, children's services and skills)**

(formerly Commission for Social Care Inspections (CSCI) / National Care Standards Commission (NCSC)

OFSTED is now responsible for inspecting the welfare arrangements in residential special schools.

In respect of schools, OFSTED will investigate complaints about the welfare of children and will refer to the local social services authority any complaint it receives, which include allegations or suspicions of abuse.

The Department of Health issued in 2002 National Minimum Standards – Inspection Regulations for Board Schools and Residential Special Schools. (The documents are available on [www.dh.gov.uk](http://www.dh.gov.uk)). The relevant standard for boarding schools is:

### **Residential Special Schools – Standard 4**

'Children know how and feel able to complain if they are unhappy with any aspect of living in the school, and feel confident that any complaint is addressed seriously and without delay.'

Please note, in particular:

- 4.7 Serious complaints against the school or the staff are notified to OFSTED. This is in addition to any other notification requirement placed on the school by a Local Authority, the Department for Children, Schools and Families, or other official body.

Your published school-based complaint leaflet and procedure need to reflect these requirements and should therefore include the contact details set out below:

OFSTED (Office for Standards in Education, Children's Services and Skills)  
Complaints Manager  
3<sup>rd</sup> Floor, Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA  
Telephone: 08456 40 40 45  
[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

### **Summary - Schools Complaints Procedure**

**Full procedure available on:** [www.thegrid.org.uk](http://www.thegrid.org.uk)

Model procedures for dealing with school based complaints

#### **What is the issue?**

Whether a grievance or a complaint, it is important to decide which policy to use. **Is it a Safeguarding issue?** Read your Safeguarding policy to consider which procedure to follow.

**A grievance** is an issue raised by a member of staff. *Staff* are employees of the LA/school and work solely at the school, except for Shire County Catering. It does not apply to outside contractors, who are managed by their own organisation. Full details can be found in the Guide to the Law - Chapter 4 (Grievance and Disciplinary procedures) and Chapter 5 (Disciplinary procedures)

**A complaint** is often an issue raised by a parent, or a member of the community. Complaints concerning curriculum or collective worship have a set procedure. The governing body's complaint procedure will not replace the arrangements made for that type of complaint.

*See Guide to the Law – Chapter 6 Curriculum (The National Framework 6.18, Curriculum Policy 6.32). Appendix 1 & 6 below.*

1. The complaint may initially start as a concern, and by dealing with it promptly and professionally thus reducing the number that develops into formal complaints. In most cases the class teacher or the individual delivering the service, in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues immediately, including apologising where necessary.
2. If an informal discussion has not resolved the issue the person raising the concern can take the matter further. *Appendix A* is a flowchart summarising the three stages of the complaints procedure. Follow this in conjunction with the explanatory notes below.

**Resolving the complaint** is what the school will want to achieve as swiftly and efficiently as possible by being fair and impartial both at informal or formal stages. Whether the complaint is not valid, valid in whole or in part this needs to be acknowledged. An effective procedure will identify areas of agreement between the parties. It is appropriate to offer one or more of the following depending on the outcome:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better. This is not the same as an admission of liability.
- An assuring discussion of the matter with the complainant, and explanation of steps taken that this issue will not recur, can be a positive move in resolving the matter.
- An undertaking to review school policies in light of the complaint.

**A complainant may remain dissatisfied** even if the school has followed all the above guidance and its own procedures. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If it is written in the schools procedure the complainant should be told of the next stage available to them (where applicable) - i.e. writing to the LA, Diocese or other external agency such as the Secretary of State.

**Appendix 1:** Flowchart - The three stages of a school-based complaints procedure

**Appendix 2:** Roles and Responsibilities

**Appendix 3:** Vexatious Complaints

**Appendix 4:** Panel Checklist

**Appendix 5:** Example of a Complaint Form

**Appendix 6:** National Curriculum and Collective Worship complaints

#### **Appendix 1: The three stages of a school-based complaints procedure.**

##### **Informal**

##### **Complaints heard by staff member**

- Ensure complaints co-ordinator informed of outcome

##### **Complaint against Headteacher**

- Same process but dealt with by governors (and HR)

**Issue resolved**

**Issue not resolved**

##### **Stage 1 - Complaint heard by headteacher**

- Acknowledge receipt of complaint within 5 days
- Write to complainant with outcome of investigation

**Issue resolved**

**Issue not resolved**

##### **Stage 2 – Governing Body formal complaints panel**

- GB should deal with and respond fully to Stage 2 formal complaints within 28 days of receiving the written complaint.
- Issue letter inviting complainant to hearing asking to provide any documentation by a date at least 10 days before the hearing
- Panel obtain information 7 days before the hearing

### **Stage 3 – Complaint to County Council (applies to very few)**

- **Procedure ONLY used** for complaints about the National Curriculum or Collective Worship provided in a community or voluntary-controlled school.
- Parents can complain further to the LA by writing to the Complaints Manager, who will acknowledge receipt and inform HT and Chair of Governors
- The Complaints Manager will arrange for the complaint to be investigated, by seeking the comments of the GB panel and any other information or advice as necessary.
- The complaint will then be considered by the Complaints Manager and 3 members of the LA.
- Both parties can make personal presentations to the panel with representatives if required.
- The Complaints Manager will inform the parents in writing of the outcome. Explaining any reasons, action taken or proposed and if further recourse is available. A copy will be sent to the clerk and Chair of Governors.
- When the complaint is about SEN provision by a school, the Complaints Manager will arrange for the complaint to be investigated. Following the investigation however, there is no requirement to convene a panel as in the case of National Curriculum and Collective Worship complaints. Instead, once the complaint has been fully investigated, the Complaints Manager will notify the parents in writing and send copies of the investigation to the Headteacher, Chair of Governors and anyone else concerned.

### **Appendix 2: School Complaints Procedure – Roles and Responsibilities**

*A complaint needs to be dealt with at the earliest stage by the appropriate person.*

**A complaints co-ordinator** is the member of staff with responsibility for the operation and management of the school complaints procedure. This may often be the headteacher. Responsibilities include:

- Establishing what has happened so far, and who is involved;

- Considering timescales so the complaint is resolved as quickly and efficiently as possible. Allow for realistic time limits for each action. Be flexible if time is needed to prepare or for the meeting time to suit all involved, remember to keep all parties informed.
- Clarify the nature of the complaint and what remains unresolved;
- Meet or contact the complainant to discuss any information needed or clarify issues;
- Clarify what the complainant feels might resolve the problem at any stage;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of all the interviews and final outcome. Some discussions may be on the phone but to ensure all parties have the same understanding of the issue a brief note of the meeting/telephone calls can be kept and a copy of any written response added to the record.

### **The Role of the Chair of Governors**

If the governing body are requested to hear the complaint, at Stage 2, the Chair will check the correct procedure has been followed before notifying the clerk to arrange a panel.

### **The Role of the Clerk**

The Department strongly recommends that any panel assign a clerk for the complaints hearing. The clerk would be the contact point for the complainant and be required 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;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. **If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.**

### **Notification of the Panel's Decision**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

**It should be noted that if parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within 28 days of receiving the written outcome of the hearing.**

**After 28 days, neither the school nor the local authority (where appropriate) are under any obligation to investigate or progress the complaint any further.**

**Full procedure is available on: [www.thegrid.org.uk](http://www.thegrid.org.uk)**

Model procedures for dealing with school based complaints  
(Guidelines for Headteachers and Governing Bodies)

### **Appendix 3: Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied.

A vexatious complaint is likely to involve some or all of the following:

- The complaint arises from a historic and irreversible decision or incident;
- ☐Contact with the school is frequent, lengthy, complicated and stressful for staff;
- The complainant behaves in an aggressive manner to staff when he/she presents his/her complaint or is verbally abusive or threatening;
- ☐The complainant changes aspects of the complaint partway through the complaint process;
- The complainant makes and breaks contact with the school on an ongoing basis;  
or
- ☐The complainant persistently approaches the school (and in some cases the local authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:

- Requesting contact in a particular form (e.g. – letters only);
- ☐Requiring contact to take place with a named member of staff (e.g. – Head Teacher);
- ☐Restricting telephone calls to specified days and times;

- Asking the complainant to enter into an agreement about his/her future contact with the school; and
- Informing the complainant that if s/he still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- If the complainant tries to reopen an issue that has already been examined through the complaints procedure, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

**The Complaints Team** can be contacted directly by schools to discuss such cases further on 01992 588542 ([www.hertsdirect.org/csfcustomerfocus](http://www.hertsdirect.org/csfcustomerfocus))

#### **Appendix 4: Panel Checklist**

- The hearing is as informal as possible and proceedings explained to all parties;
- Witnesses are only required to attend for the part of the hearing in which they give evidence;
- After introduction, the complainant is invited to explain their complaint, and be followed by their witnesses;
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses;
- The panel may ask questions at any point, or adjourn if necessary;
- The complainant is then invited to sum up their complaint;
- The headteacher is then invited to sum up the school's actions and response to the complaint;
- The panel needs to ensure that all parties have been heard;
- Both parties leave together while the panel decides on the issues;
- The chair explains that both parties will hear from the panel within a **set timescale**.

#### **Appendix 5: Example of a Complaint Form**

Please complete and return to .....(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

## **Appendix 6 National Curriculum and Collective Worship Complaints**

### **1. Purpose**

- 1.1 The purpose of this appendix is to provide more information on complaints which are specifically about the National Curriculum and Collective Worship, under the terms of Section 409 of the 1996 Education Act as amended by paragraph 107, Schedule 30, School Standards and Framework Act 1998.
- 1.2 They cover complaints made by anyone about the performance of duties or exercise of power by the LA or by the governing bodies of schools maintained by the LA. A complainant may make a complaint on behalf of a group of people with their agreement.

### **2. Scope of the arrangements**

- 2.1 The schools covered are all schools maintained by the LA which are:

- primary schools (but excluding nursery classes)
- secondary schools
- special schools which are not established in a hospital

They do not cover nursery schools or special schools established in a hospital.

- 2.2 The kind of complaint covered here is defined by the 1996 Education Act. They are complaints that the governors of a school or the LA are not doing what the law requires of them because they:

- have failed to fulfil any of the duties listed below; or
- have acted or are proposing to act unreasonably in performing any of those duties or exercising any power relating to the curriculum or collective worship.

The duties involved are as follows and are common to the LA and governing bodies unless otherwise stated (references are to sections of the 1996 Education Act).

- (i) The provision of a curriculum including religious education and worship which meets the general requirements of Sections 350 -352 of the Act.
- (ii) The implementation of the national curriculum and compliance with orders and regulations made about its requirements and exceptions to its provisions (Sections 356 - 389).
- (iii) Provision to pupils of compulsory school age of courses leading to an external qualification only if that qualification and the associated syllabus criteria have been approved by the Secretary of State or under arrangements approved by the Secretary of State (Section 400).
- (iv) Provision of religious education and worship as required by the Act and other enactments (Sections 375 - 389 and 394).

- (v) Compliance with regulations about the provision of information (Section 408).
- (vi) Operation of charging policies in relation to the curriculum (Sections 455 - 456).
- (vii) The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 362).
- (viii) In the case of the LA only, the establishment of a standing advisory council on religious education and review of the agreed syllabus for the area if the standing advisory council so require (Sections 390 - 393).
- (ix) In the case of a governing body only, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum.
- (x) Compliance with any other enactments relating to the curriculum.

### **3. Requirements**

- 3.1 Consideration of a complaint will need to establish whether the LA (or the governors) are acting reasonably and within the law and meeting their obligations or whether if this is not the case some action is required. In considering that question it may be necessary to consider whether:
- the LA's/governors' policy is consistent with legal requirements;
  - their actions are consistent with their policy;
  - the actions of staff are consistent with their policy.

### **4. The role of the Secretary of State**

- 4.1 The 1996 Education Act lays down that the Secretary of State may not consider any National Curriculum or Collective Worship complaint unless it has first been considered under the LA's arrangements for handling complaints. The intention of this provision is that complaints should, if possible, be dealt with and resolved between the complainant and the parties responsible - the LA and/or the governing body.
- 4.2 A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

### **Letter to Complaints Team informing about a complaint concerning SEN, Curriculum or Collective Worship**

Complaints Team  
Customer Focus  
County Hall  
Hertford

SG13 8DF

Date .....

Dear

**COMPLAINT CONCERNING SEN/CURRICULUM/COLLECTIVE WORSHIP**

The governing body have received a complaint from name  
..... dated ..... concerning  
.....

I enclose a copy of the complaint.

The governing body will investigate the complaint and report the outcome to you  
as soon as the investigation is complete.

Yours sincerely

**Chair of the Governing Body**

enc.