

**HASSENBROOK
SCHOOL
Specialist
Technology
College**



COMPLAINTS POLICY

HASSENBROOK SCHOOL

Complaints Policy

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Procedure to deal with Complaints about the Curriculum

1. **Purpose** Schools value the good relations they enjoy with most parents and the community. These good relations are based on mutual respect and a willingness to listen to each other's points of view. The purpose of this procedure is to provide a structure to express and resolve concerns about the curriculum and thus to improve the provision for pupils and students.
2. **Introduction** This procedure builds on the legal requirements of Section 409 Education Act 1996 and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
3. **Scope of the Procedures** These procedures are designed only to resolve complaints falling within Section 409 of the Education Act 1996 i.e. complaints concerning the responsibilities of the governing body and the LEA in:
 - Provision of curriculum, including religious education and worship; which meets the general requirements of Sections 1 and 2 of the Act
 - The implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision (Section 4, 10 and 17)
 - Provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved (Section 5)
 - Provision of religious education and worship as required by the Act and other enactments (Sections 6-10 and 12)
 - In the case of an LEA, establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires (Section 11)
 - 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 16)
 - In the case of a governing body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum (Section 19)
 - Operation of charging policies in relation to the curriculum (Section 109)
 - Compliance with regulations about the provision of information (Section 22)
 - Compliance with any other enactments relating to the curriculum.

Separate procedures exist to resolve Other Complaints about the School and to resolve Complaints for which the LEA has responsibilities.

4. **Stages** The procedure has three possible stages, which must begin with the informal stage:
- **Informal:** most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion [see section 5 below].
 - **Formal complaint to the governing body:** if, after careful attempts, a resolution is not achieved, a formal complaint can be made to the governing body [see section 6 below].
 - **Formal complaint to the local authority:** if either party believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to a local authority Adjudication Panel [see section 7 below].
 - **Formal complaint to the Diocesan Bishop:** this is applicable for complaints about Worship in Voluntary Aided and Voluntary Controlled Schools and about R.E. in Voluntary Aided Schools. If either party believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to the appropriate Diocesan Bishop [see section 9 below].

5. Informal Stage

- 5.1 All schools are happy to receive suggestions and compliments and talk about concerns that help them identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can almost always be resolved with a single conversation, often with the class teacher or a senior member of staff. Sometimes an issue is more complex and will take more than one discussion to resolve.
- 5.2 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm the complaint in writing to the headteacher [there is a form to help with this] and it will be formally acknowledged in writing. The headteacher will copy relevant papers to any member/s of staff named in the complaint.
- 5.3 The headteacher has the right of written reply to the written complaint.
- 5.4 Schools may have a procedure for mediation at this point, which could involve a governor or an officer of the Local Education Authority.
- 5.5 Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the governing body

This can be made only if the complainant has:

- sought to resolve the concern through an informal approach to the school;
- allowed reasonable time (normally up to four school weeks) for investigation of the concern;
- accepted any reasonable offer by the school to discuss the result of that investigation
- put the complaint clearly in writing (normally within six months of the event). A form is available to help with this;
- taken part in any process of mediation offered by the school.

- 6.1 Each school governing body should have a Complaints Committee whose responsibility it is to hear and decide about formal Complaints about the Curriculum which have not been resolved at the informal stage.
- 6.2 The complainant should write to the governing body clerk, at the school, requesting a meeting of the Complaints Committee. Enclosed with the letter should be a copy of the written complaint submitted at the informal stage.
- 6.3 The Complainant should write to the governing body clerk, at the school, requesting a meeting of the Complaints Committee. Enclosed indicating which matters remain unresolved. No new complaints may be included.
- 6.3 A meeting of the governing body's Complaints Committee will be arranged. The clerk will send the text of the formal complaint to the headteacher and chair of governors. The school may have up to 10 school days from receipt of this notification to submit its response to the clerk. The meeting will be arranged as soon as possible and normally for a date within 15 to 30 school days of receipt of the complainant's request for a Complaints Committee meeting. If there is difficulty agreeing a date the chair of governors makes the final decision.
- 6.4 Any documents from either the complainant or the headteacher which are to be considered by the committee, and the names of any witnesses who might be called, must be received by the clerk at least seven school days before the meeting. The Agenda for the meeting and copies of all papers submitted will be sent to the Complaints Committee members, the complainant, the headteacher, the chair of governors and Director of Education at least five school days before the meeting date. The headteacher will copy relevant papers to any member/s of staff named in the complaint.
- 6.5 The complainant may bring a friend, interpreter or advocate to the meeting.
- 6.6 The headteacher may bring a friend or professional association representative to the meeting.
- 6.7 If members of staff are asked by the headteacher to be present at a Complaints Committee meeting, they have a right to bring a friend or trade union representative.
- 6.8 It is not normally necessary for a pupil to attend the Complaints Committee meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the governing body at least seven days before the meeting.
- 6.9 The committee will be made up of governors who have not previously had any involvement with the complaint.
- 6.10 They will consider the complaint on the basis of the papers they receive and what is said at the meeting.
- 6.11 In the event of either party not attending the meeting, the chair of the committee will decide whether to proceed or to adjourn, at any stage.
- 6.12 The chair of the Complaints Committee will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.
- 6.13 The Complaints Committee can:

- uphold the complaint in full;
- uphold it in part;
- dismiss it.

In complex cases they may wish to give a complex response. The clerk will send the complainant, the headteacher, the chair of governors and the Director of Education a letter setting out the outcome of the meeting, within seven days of the meeting. The headteacher will copy relevant papers to any member/s of staff named in the complaint.

6.14 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the headteacher.

6.15 The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

6.16 The Director of Education has the right, under this procedure, to have a representative present at all stages of the governing body Complaints Committee meeting and to have a copy of all associated paperwork.

7. Formal complaint to the local authority

7.1 If one of the parties (i.e. the complainant or the headteacher) believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for adjudication may be made to the Local Education Authority [LEA]. Such a request will be expected to be received by the LEA within 15 days of the date of the letter from the clerk giving the outcome of the governing body's Complaints Committee meeting.

7.2 The LEA has a statutory responsibility to consider a Complaint about the Curriculum which has not been resolved by the governing body.

7.3 To refer a formal complaint to the local authority either party writes a letter to the Director of Education setting out the grounds for dissatisfaction.

7.4 The Director of Education, or his representative, will within 5 school days:

- write to acknowledge the letter
- forward a copy of the letter to the chair of the governing body Complaints Committee and to the other party and offer each the right of appeal.
- Ask the Democratic Services Department to establish an Adjudication Panel.

Any documents from the chair or the other party to be considered by the Adjudication Panel, and the names of any witnesses who might be called, should be received by the Director within 10 school days of the date of the Director's letter.

7.5 The Director of Education will arrange for collation of all paperwork and will send it to the Democratic Services Department for distribution.

7.6 The Adjudication Panel will normally meet within 30 school days of the Director's request and will be composed of three or five members appointed by the LEA from the following

categories:

- People who are eligible to be lay members. This means people without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity). **There must be at least one lay member of the panel;**
- People who have experience in education, who are acquainted with educational conditions in the LEA's area, or who are parents of registered pupils at a school. There must be at **least one panel member from this category.**
- The disqualifications of persons from serving on the Adjudication Panel are the same as for Admissions Appeal Panels.

7.7 The complainant may bring a friend, interpreter or advocate to the meeting.

7.8 The headteacher may bring a friend or professional association representative.

7.9 It is not normally necessary for a pupil to attend the Adjudication Panel meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the Panel at least seven days before the meeting.

7.10 The Adjudication Panel will then decide on the basis of the paperwork and what is said at the meeting, whether or not:

- the correct procedure was followed;
- the outcome was reasonable.

The Director of Education has a right to attend or be represented and may give advice to the Adjudication Panel

7.11 The Adjudication Panel can decide to:

- uphold the decision of the governing body; in this case the matter rests;
- recommend the governing body to reconsider the complaint in the light of the findings of the adjudication.

In addition the Adjudication Panel may make recommendations to any of the parties involved and will send a letter setting out the outcome of the Panel meeting, normally within 10 school days of the meeting, to the:

- original complainant;
- chair of the governing body Complaints Committee;
- headteacher (who will copy relevant papers to any member/s of staff named in the original complaint);
- chair of the governing body;
- Director of Education.

7.12 There is no further appeal to the Local Authority. If a complainant wishes to pursue the complaint then they have recourse to the Secretary of State or the Local Government Ombudsman

8 Formal Complaint to the Diocesan Bishop

[For complaints about Worship in Voluntary Aided and Voluntary Controlled Schools and about R.E. in Voluntary Aided Schools]

- 8.1 If one of the parties (i.e. the complainant or the headteacher) believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for adjudication may be made to the appropriate Diocesan Bishop. Such a request will be expected to be received within 15 days of the date of the letter from the clerk giving the outcome of the governing body's Complaints Committee meeting.
- 8.2 The Diocesan Bishop has a statutory responsibility to consider a complaint about the Worship in Voluntary Aided and Voluntary Controlled Church Schools and about R.E in Voluntary Aided Church Schools which has not been resolved by the governing body.
- 8.3 To refer a formal complaint to the Diocesan Bishop either party writes a letter to the Bishop setting out the grounds for dissatisfaction.
- 8.4 The Diocesan Bishop will then decide, on the basis of the paperwork, whether or not
- the correct procedure was followed;
 - the outcome was reasonable.
- 8.5 The Diocesan Bishop can decide to
- uphold the decision of the governing body; in this case the matter rests;
 - recommend the governing body to reconsider the complaint in the light of the findings of the adjudication.

In addition the Diocesan Bishop may make recommendations to any of the parties involved and will send a letter giving the outcome of his deliberations, normally within 10 school days of his decision, to the:

- original complainant;
- chair of the governing body Complaints Committee;
- headteacher (who will copy relevant papers to any member/s of staff named in the original complaint);
- chair of the governing body.

8.6 There is no further appeal to the Diocesan Bishop.

9 Monitoring

The monitoring of complaints is important. The Head Teacher should report to the Governing Body (or an appropriate Committee) on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not. Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Governing Body to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the school.

Reports of actual or perceived racial incidents must be reported to the LEA.

10 Review

The Local Authority may review and amend this procedure from time to time.

Procedure to deal with Other Complaints about the School (i.e. excluding the Curriculum).

1. **Purpose** This School values the generally good relations that we enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this procedure is to provide a structured opportunity to express and resolve concerns about the school and thus to improve the provision our pupils.
2. **Introduction** This procedure builds on the legal requirements of Section 29 of the Education Act 2002 and the Guidance issued in the Department for Education & Skills, School Complaints Procedure Toolkit - LEA 0180/2003. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.
3. **Scope of the Procedures** These procedures are designed only to resolve complaints about matters in the school which are the sole responsibility of the school governing body.

Separate procedures exist to resolve Complaints about the Curriculum and to resolve Complaints for which the LEA has responsibilities.

4. **Stages** The procedure has two possible stages and all complainants must begin with the informal stage:
 - **Informal:** most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion.
 - **Formal complaint to the governing body:** if after careful attempts a resolution is not achieved, a formal complaint can be made to the governing body.

5. Informal Stage

5.1 This school is happy to receive suggestions and compliments and talk about concerns, which help us identify areas of success, and areas in which we could improve. Where a concern is brought to the school's attention it can almost always be resolved with a single conversation, often with the class teacher. Sometimes an issue is more complex and will take more than one discussion to resolve.

5.2 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant should confirm the complaint in writing to the headteacher [there is a form to help with this] and it will be formally acknowledged in writing within five school days. The headteacher will copy relevant papers to any member/s of staff named in the complaint.

5.3 The headteacher has the right of written reply to the written complaint.

- 5.4 There will be an opportunity for mediation at this point, which could involve a governor or an officer of the Local Education Authority.
- 5.5 If a concern is about the Headteacher, then it should be sent to the Chair of the School Governing Body.
- 5.6 Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the governing body

This can be made only if the complainant has:

- sought to resolve the concern through an informal approach to the school;
- allowed reasonable time (normally up to six school weeks) for investigation of the concern;
- accepted any reasonable offer by the school to discuss the result of that investigation;
- put the complaint clearly in writing (normally within six months of the event). A form is available to help with this;
- taken part in the process of mediation offered by the school.

6.1 This school governing body has a Complaints Committee whose responsibility it is to hear and decide about Other Complaints about the School which have not been resolved at the informal stage.

6.2 The complainant should write to the governing body clerk, at the school, requesting a meeting of the Complaints Committee. Enclosed with the letter should be a copy of the written complaint submitted at the informal stage, indicating which matters remain unresolved. No new complaints may be included.

6.3 A meeting of the governing body's Complaints Committee will be arranged. The clerk will send the text of the formal complaint to the headteacher and chair of governors. The school may have up to 10 school days from receipt of this notification to submit its response to the clerk. The meeting will be arranged as soon as possible and normally for a date within 15-30 school days of receipt of the complainant's request for a Complaints Committee meeting. If there is difficulty agreeing a date the chair of the committee makes the final decision.

6.4 Any documents from either the complainant or the headteacher which are to be considered by the committee, and the names of any witnesses who might be called, must be received by the clerk at least seven school days before the meeting. The Agenda for the meeting and copies of all papers submitted will be sent to the Complaints Committee members, the complainant and the headteacher at least seven clear days before the meeting date. The headteacher will copy relevant papers to any member/s of staff named in the complaint.

6.5 The complainant may bring a friend, interpreter or advocate to the meeting.

6.6 The headteacher may bring a friend or professional association representative to the meeting.

6.7 If members of staff are asked by the headteacher to be present at a Complaints Committee meeting, they have a right to bring a friend or trade union representative.

6.8 It is not normally necessary for a pupil to attend the Complaints Committee meeting

but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the governing body at least seven school days before the meeting.

- 6.9 The committee will be made up of governors who have not previously had any involvement with the complaint.
- 6.10 They will consider the complaint on the basis of the papers they receive and what is said at the meeting.
- 6.11 In the event of either party not attending the meeting, the chair of the committee will decide whether to proceed or to adjourn, at any stage.
- 6.12 The chair of the Complaints Committee will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.
- 6.13 The committee can:
- uphold the complaint in full;
 - uphold it in part;
 - dismiss it.

In complex cases they may wish to give a complex response.

The clerk will send the complainant, the headteacher and the chair of the committee a letter setting out the outcome of the meeting, within seven days of the meeting. The headteacher will copy relevant papers to any member/s of staff named in the complaint.

- 6.14 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the headteacher.
- 6.15 The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

7 Monitoring

The monitoring of complaints is important. The Head Teacher should report to the Governing Body (or an appropriate Committee) on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not. Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Governing Body to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the school.

Reports of actual or perceived racial incidents must be reported to the LEA.

8 Review

The Governing Body may review and amend this procedure from time to time.

Procedure to deal with Complaints for which the Local Education Authority [LEA] has responsibilities.

1. Introduction

This procedure builds on the legal requirements of Section 409 Education Act 1996 and the Guidance issued in Department of Education & Science Circular 1/89: Local Arrangements for the Consideration of Complaints, where the complaint is the responsibility of the LEA and not the responsibility of the school governing body

Separate procedures exist to deal with Complaints about the Curriculum and to deal with Other Complaints about the School.

2. Informal Stage

2.1 Where a concern is brought to the relevant officer's attention, it can almost always be resolved with a single conversation. Sometimes an issue is more complex and will take more than one discussion to resolve.

2.2 Occasionally despite the best efforts of all parties these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm the complaint in writing to the Director of Education [a form is available to help with this] and it will be formally acknowledged in writing. The Director of Education will copy relevant papers to any officers named in the complaint.

2.3 The Director of Education has the right of written reply to the written complaint.

3. Formal stage

3.1 The complainant should write to the Director of Education requesting that the complaint be considered under the formal procedure, enclosing with the letter a copy of the written complaint submitted at the informal stage and indicating which matters remain unresolved. No new complaints may be included.

3.2 The Director of Education will, within 5 school days:

- write to acknowledge the letter;
- arrange for the complaint to be investigated, this could involve the Standing Advisory Council on Religious Education (SACRE) if deemed appropriate;
- ask the Democratic Services Department to establish an Adjudication Panel.

3.3 Any documents from the complainant or from the Director of Education which are to be considered by the Panel, and the names of any witnesses who might be called, must be received by the Democratic Services Department at least 7 school days before the meeting.

3.4 The Democratic Services Department will arrange for the collation and distribution of all paperwork.

3.4 The Adjudication Panel will normally meet within 30 school days of the Director's request and will be composed of three to five members appointed by the LEA from the following categories:

- people who are eligible to be lay members. This means people without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity). **There must be at least one lay member of the panel;**
- people who have experience in education, who are acquainted with educational conditions in the LEA's area, or who are parents of registered pupils at a school. There must be at **least one panel member from this category.**

The disqualifications of persons from serving on the Adjudications Panel are the same as for Admissions Appeal Panels.

- 3.6 The complainant may bring a friend, interpreter or advocate to the meeting.
- 3.7 It is not normally appropriate for a pupil to attend.
- 3.8 The Director of Education has a right, to attend, or be represented and may give advice to the Adjudication Panel.
- 3.9 The Adjudication Panel will consider the complaint on the basis of the papers they receive and what is said at the meeting.
- 3.10 The Adjudication Panel will then decide to:
- uphold the complaint in full;
 - uphold it in part;
 - dismiss it.

In addition the Adjudication Panel may make recommendations to any of the parties involved and will send a letter setting out the outcome of the Panel meeting, normally within 10 school days of the meeting, to the:

- original complainant;
- Director of Education.

- 3.11 There is no further appeal to the Local Authority. If a complainant wishes to pursue the complaint they have recourse to the Secretary of State or Local Ombudsman

4 Review

The Local Authority may review and amend this procedure from time to time.

Advice to school governing bodies on the handling of complaints

1 The role of the governing body

A key role of the governing body is to influence the ethos of the school, its general atmosphere and philosophy. This influence carries with it an equivalent responsibility to support the headteacher and the staff and to ensure fairness to them as well as to pupils, parents and those in the community who come into contact with the school.

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. Concerns should be received with an open mind and it is good practice for staff to be able to resolve concerns on the spot, including apologising where necessary.

A written record should be kept of all concerns and subsequent conversations with the complainant.

It is recommended that the Governing Body establish a Complaints Committee in advance of any formal complaints being received.

2. Legislation

Section 409 of the *Education Act 1996* deals with complaints against the curriculum and states that 'Every local education authority shall, with the approval of the Secretary of State make arrangements for the consideration and disposal of any complaint. Guidance from the Department of Education and Science on the above legislation was issued in Circular No 1/89 *Education Act 1996: Local Arrangements for the Consideration of Complaints*. That Circular offered advice to local authorities on the establishment of 'local arrangements' and required that they send their proposals to the Secretary of State for approval.

Section 29 of the *Education Act 2002* requires the governing bodies of all maintained Schools to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised. The Department for Education and Science has issued advice to governing bodies on the General Principles of Complaints, the Complaints Procedure and Managing and Recording Complaints. This advice is in the School Complaints Procedure Toolkit – LEA/0180/2003.

It is recommended that the governing body ensures that any third party providers offering community facilities or services through the school premises, or using school facilities [i.e. hirers of school premises], have their own complaints procedure in place.

3. School Procedure

In order to fulfil its role, as outlined above, the governing body should establish that there are clear procedures and structures within the school for dealing with all types of concerns and complaints, and that these are widely understood and accepted for use by all school staff and governors. It should be clear to all concerned, who will deal with complaints and what will happen at each stage. For example, a later stage in the informal arrangements might involve a school governor or someone from another organisation being brought in to facilitate mediation.

Every effort should be made to deal with any complaint quickly. Experience has shown that this is beneficial for all concerned and it lessens the likelihood of the complainant adding further

complaints about the way in which their complaint has been handled. A complaint well handled can result in a complainant having more confidence in a school than s/he had before making the complaint.

4. Roles of the Local Authority and Others

Officers in the Education Department will advise parents, governors and school staff of the details of the complaints procedure and good practice but will remain impartial where individual complaints are concerned. The LEA has a formal role in the Procedure for Complaints about the Curriculum.

Where the complaint is one which could lead to disciplinary action being taken against a member of staff then, whilst the complaint itself may be capable of being dealt with under the complaints procedure, any consideration of disciplinary action will be dealt with separately under the School Disciplinary Procedure. Your Personnel Adviser will give you advice about the correct procedure to adopt in such a case.

A complaint which involves Child Protection issues will be subject to the Child Protection Procedures and advice should be sought from the LEA officer responsible for Child Protection issues.

The Secretary of State for Education and Skills has power to issue a direction to “prevent a school from exercising its functions unreasonably” or, where it is failing to discharge a statutory duty.

The Local Government Ombudsman is not able to consider complaints about schools except with regard to admissions.

5. Framework of Principles

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 peoples 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.

6. Complaints Committee

6.1 Role

The committee should be given the power to make decisions on behalf of the governing body and may:

- uphold the complaint
- uphold it in part or
- dismiss it

Where the issue under consideration does not fall within the remit of the Committee, the members may still wish to make recommendations.

A Complaints Committee should be appointed at a full governing body meeting, in advance of a complaint being received, and its membership and terms of reference should be reviewed annually. Model Terms of Reference are included in this document as Appendix E. Model committee procedures are included in this document as Appendix F. The composition of the Committee should be considered carefully. Dealing with any complaints that reach this stage is likely to be challenging but careful planning early on can avoid unnecessary complications. Consider the following:

6.2 Membership

The most important point to remember is that any complaints committee member should not have had previous significant involvement with the complaint. For example, the following should not be appointed:

- the Headteacher;
- a governor who is likely to be involved in mediating at the informal stage;
- a governor who also works in the school and who may consequently be likely to have significant involvement with, or knowledge of, a complaint.

Whoever is appointed should be able to attend a meeting at relatively short notice.

The Complaints Committee should be three or five governors, and at least one substitute should be appointed to take the place of any committee member who might be unavailable or unable to serve. The minutes of the governors meeting should show exactly who should be called for a meeting and in what order. The governing body clerk will then be clear about whom to call from a list of names so there can be no allegation of bias.

6.3 Chair

The governing body may appoint a chair for the Complaints Committee at the same time as they decide on the membership of the committee. This avoids uncertainty and allows the chair to manage the proceedings effectively before the meeting as well as during and after it. This is essential for a successful outcome. Alternatively the committee may be left to decide which of its members will chair a particular meeting

Previous experience of chairing a meeting is helpful. Governors should be aware that these meetings can be difficult and that the unexpected may occur.

6.4 Clerk

The clerk to the governing body should clerk the complaints committee meeting. If the clerk is not available then the LEA [Governor Services] may be able to assist in finding an appropriately experienced clerk.

The clerk will draw up the agenda and make all the necessary arrangements for the meeting.

6.5 Director of Education

The Director of Education has the right under the Procedure for Complaints about the Curriculum, to have a representative present at all stages of the governing body Complaints Committee meeting and to have a copy of all associated paperwork.

The Director has no rights in respect of meetings of the Complaints Committee convened under the Procedure for Other Complaints about the School. However the LEA will endeavour to offer impartial advice, which could include attendance at a meeting, if requested to do so. If the LEA is subsequently asked to comment on the outcome of an “other complaint about the school”, it will offer a view only on whether the governing body has correctly followed appropriate procedures. It will not consider the complaint in detail, as it has no power to direct the governing body to take alternative action.

7. Complaints Committee meeting

7.1 Before a meeting

A copy of the agenda, the complaint and any written response from the headteacher will normally be sent to complaints committee members at least seven clear days before the meeting. Each member must immediately read the papers to check that they have no significant involvement with the case under consideration, but should not discuss it with anyone else. If they need to withdraw from the committee the clerk will organise a substitute. It is essential to withdraw at this early stage so that a substitute can be arranged to avoid postponing the meeting.

7.2 Practical arrangements

The tone of a meeting can be set by what happens when the complainant first arrives for the meeting. Therefore it is worth the chair considering the following:

- What time will participants be asked to arrive?
- Who will greet participants when they arrive?
- Will anyone wait with them?
- Where will other people wait? (Separate places for complainants and school representatives are advisable)
- Will there be any refreshments provided?
- Where will the meeting take place?
- How will the meeting room be arranged? (Small informal arrangements are usually best)
- What route will the complainant and school representatives take to the meeting room?

7.3 The meeting

The model procedure is based on advice given by the Council of Tribunals and following this will ensure that the rules of natural justice are met.

The same business rules apply as for other governing body committee meetings. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues. Voting is by a simple majority of those committee members present and voting and in the event of a tied vote then the chairman has a casting vote.

7.4 Chair's role

An effective chair will:

- take control of the meeting with confidence and, following the model procedure, judge when to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting;
- convey to all concerned that s/he is acting impartially by being courteous to all participants and by treating them similarly;
- make it clear that although s/he wants to be as informal as possible, s/he will keep to the procedure as this will allow everyone to have a fair hearing;
- explain, for example, that s/he will hear the participants speak in their turn and without interruption;
- be prepared to be firm about keeping to the procedure and reminding any participant, as necessary, about the stage the meeting has reached, e.g. if interruptions occur or if participants do not keep to the point or do not give direct answers to questions;
- bear in mind that all participants will be under stress and are unlikely to be used to this type of meeting;
- indicate any time limits that s/he would like to adhere to, but be sure not to unreasonably restrict any participants opportunity to say what they need to say to the committee;
- write down the decision of the committee and the reasons for the decision so this can be accurately given to the participants and recorded in the minutes [the clerk should be able to advise on this];
- if the participants are invited back to hear the decision, make it clear to all parties that no further discussion is possible;
- in case of referral to an Adjudication Panel, ensure that the clerk has properly collated all papers given to the committee.

8 After the Meeting

The Complaints Committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

9 Monitoring

The monitoring of complaints is important. The Head Teacher should report to the Governing Body (or an appropriate Committee) on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or

otherwise; the level reached, and whether the complainant was satisfied or not.

Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Governing Body to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the school.

Reports of actual or perceived racial incidents must be reported to the LEA.

Terms of Reference for the School Governing Body Complaints Committee

Membership

Three or five named Governors and at least one named reserve [which may be called from a previously prioritised list]

N.B The membership should not include the named governor for complaints, as s/he will have been involved in mediation and have prior knowledge of the complaint.

The headteacher cannot be a member as s/he will have prior knowledge of the complaint and will be responding to the complaint.

Governors who also work in the school are unlikely to be eligible as they are likely to have prior knowledge of the complaint, or could appear to be biased. They should not normally serve on the Complaints Committee.

Quorum

The quorum of the Committee will be 3 members.

Frequency of Meetings

The Committee will meet as required.

Clerking Arrangements:

The committee will be clerked by the clerk to the governing body. If the clerk is not available then the services of an appropriately experienced clerk will be sought

Terms of Reference and Delegated Powers

- 1 To act in accordance with the School Governance Procedures Regulations, the Terms of Reference Regulations and other legislation affecting the conduct and responsibilities of School Governing Bodies.
- 2 To appoint a Chair for each meeting unless the governing body has already appointed one.
- 3 To consider complaints in accordance with the Governing Body's Procedures for:
 - A] Complaints about the Curriculum
 - B] Other complaints about the School.
4. To decide, in every case, whether to:

Uphold the complaint in full;
Uphold the complaint in part;
Dismiss the complaint.

5. To ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.
6. To advise the Governing Body of decisions taken within the powers delegated by providing at Governing Body meetings, for information, a statement of the meeting and the decisions taken.
7. To refer appropriate matters arising from the consideration of complaints to other individuals or groups for attention.

Procedure for a meeting of a Complaints Committee

1. Committee members and their clerk convene
2. The committee considers, with advice from their clerk, any members' declarations of interests, entitlement to vote and any requirement to withdraw from the meeting
3. The committee elects a chair for the meeting
4. The committee confirms the procedure to be followed [set out below] and decides whether the decision will be conveyed orally to all parties at the end of the meeting, as well as in writing afterwards.

5. The complainant and the headteacher are invited to join the meeting. Witnesses remain outside until they are called.
6. The chair introduces all those present, explains the role of the Clerk, explains the procedure to be followed and states how the decision will be announced.
7. The complainant presents their complaint and calls any witnesses.
8. The Headteacher asks questions of the complainant and witnesses.
9. The Committee asks questions of the complainant and witnesses.
10. Complainants witnesses leave.
11. The Headteacher presents their response to the complaint and calls any witnesses.
12. The complainant asks questions of the Headteacher and witnesses.
13. The Committee asks questions of the Headteacher and witnesses.
14. Headteacher's witnesses leave.
15. The complainant summarises their complaint
16. The Headteacher summarises their response to the complaint
17. Complainant and Headteacher leave meeting

18. The committee consider the complaint and decide to:
 - uphold the complaint in full;
 - uphold it in part;
 - dismiss it.

19. The committee consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the headteacher.
20. The Complainant and Headteacher are invited to join the meeting [if agreed under item 4 above].
21. The decision is announced and any rights of appeal, where they exist, are explained.
22. The meeting ends.
23. As soon as possible after the meeting the clerk writes to all parties setting out the decision of the committee, giving details of the reasons for upholding or dismissing the complaint, and explaining how to exercise any right of appeal.

NB All documents pertinent to the committee meeting are confidential. The Minutes of the meeting are confidential to the committee members. However they may be required to be produced as part of the documentation for any subsequent appeal.

‘I have something to say to the school’

Advice to Parents

Introduction

Often parents and other members of the public would like schools to know their views. Sometimes there are meetings when this is possible. On other occasions a personal comment is more appropriate. Communication, written or spoken, is valued as part of the partnership between home and school. Co-operation between parents, staff and governors leads to a shared sense of purpose and a good atmosphere in school. This leaflet aims to answer some of your questions about this.

Should I pay a compliment?

Certainly. Those at the school are always pleased to learn things have gone well and are appreciated

Should I tell them my concerns?

Definitely. All members of staff want to know as soon as possible if something concerns you or your child. They can then investigate and give you a response. If need be, they can also take steps to remedy a situation. Misunderstandings can be cleared up. An apology can be given if something is found to be wrong. Everyone benefits from the speedy resolution of difficulties and from suggestions for improvement.

Should I complain?

Yes - if you believe that something is seriously wrong. Your view can then be considered and an investigation can establish whether there is something wrong which needs to be corrected. The school's response will be based on the governors' agreed policy and will seek to be fair to all concerned. Writing down your complaint helps to clarify exactly what you are complaining about and there is a form to help you do this.

Who do I contact?

That depends on the particular situation. Usually the class teacher will be able to deal with the matter. More serious problems will require a senior member of staff or the headteacher. Mutual courtesy is to be expected and ensures that things go smoothly. There should always be discussion in the hope of solving difficulties informally. Most problems are solved in this way. A complaint about the headteacher goes to the chair of governors.

What if the matter is still unresolved?

It will be necessary to write to the school to inform them about this. In response the school may invite you to a meeting to talk together about it. The school may arrange for a suitable mediator to be present. After trying all other ways, you may decide to make a formal complaint to the governing body.

What is a complaint?

It is an expression of serious dissatisfaction. This could be about an event that has happened, failed to happen, or the way in which something was handled. Fuller information about your school's complaints procedure can be obtained from the headteacher of the school, who will provide you with a copy.

Who will deal with my complaint?

At first, school staff will respond, and others may help. If you proceed further with your complaint, a committee of governors (not previously involved with the case) will listen carefully to both sides before reaching an independent decision.

How do I make a formal complaint to the governing body?

You submit a copy of your complaint in writing to the clerk of governors, including a request for a formal hearing. There is a form to help you do this. You cannot introduce new or different complaints at this stage. You will receive an acknowledgement within five school days. A meeting will follow, with all the relevant paperwork having been circulated at least five school days in advance to everyone involved. You (accompanied by a friend if you wish) and the headteacher (also accompanied by a friend or trade union representative) will be invited to speak to the committee and to ask and answer questions. The committee normally allows witnesses to attend part of the meeting. A governing body may decide not to consider a complaint about something that occurred more than six months previously.

What happens next?

You will be informed, in writing, of the committee's decision. If your complaint is about the school then this is the end of the matter. If your complaint is about the curriculum and you are not satisfied with this decision you can ask for an independent panel, appointed by the Local Authority, to look at all the paperwork and hear your complaint again, to see if the decision reached was reasonable.

Remember?

This whole process exists so that your views, and the views of others, can be heard. You have rights. Pupils have rights. Staff and governors have rights. The aim is that the complaint should be properly and fairly dealt with. Communications with school are frequent and are welcome. The later stages of the complaints procedure are used rarely, but remain part of the process. Services are improved by a positive response to compliments, concerns and complaints.

Complaints Procedure Form

Please complete this form and return it to who will acknowledge receipt and explain what action will be taken.

Your name:

Pupils name:

Your relationship to the pupil:

Your address:

Your postcode:

Your daytime telephone number:

Your evening Telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint, [who did you speak to and what was the response]?

What action do you feel might resolve the problem?

Are you attaching any paperwork? If so please give details:

Signature:

Date:

For official use only

Date complaint received:

Acknowledgement sent by:

Date acknowledgement sent:

Complaint referred to:

Date referred:

Record of subsequent procedures:

Monitoring

Schools should record formal “Complaints about the Curriculum” and “Other Complaints about the School”, with the Governing Body receiving an annual report.

The monitoring of the Complaints Policy and its operation in the school is an important role for the Governing Body and, where appropriate, the LEA. The Head Teacher should therefore report to the Governing Body, or an appropriate Committee, on an annual basis (preferably during the Summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not.

It is important to recognise that reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the Governing Body to enable them to ensure that the Racial Equality and Bullying / Behaviour Policies are effective and are being satisfactorily implemented and managed within the school.

Formal “Complaints about the Curriculum” and “Complaints for which the LEA has responsibilities” will be monitored by the LEA, recording the number and nature and outcome of the complaints and the time taken to resolve them.

In addition it is a requirement of the Race Relations (Amendment) Act that reports of actual or perceived racial incidents are reported to the LEA. Copies of **all** racial incident reports should therefore be sent to the Principal Adviser (School Effectiveness and Individual Needs), Thurrock Council Education Department, Civic Offices, New Road, Grays.

Publicity

Reference to the Complaints Procedure and where it can be obtained should be included in the School Prospectus and in the Annual Report to Parents.

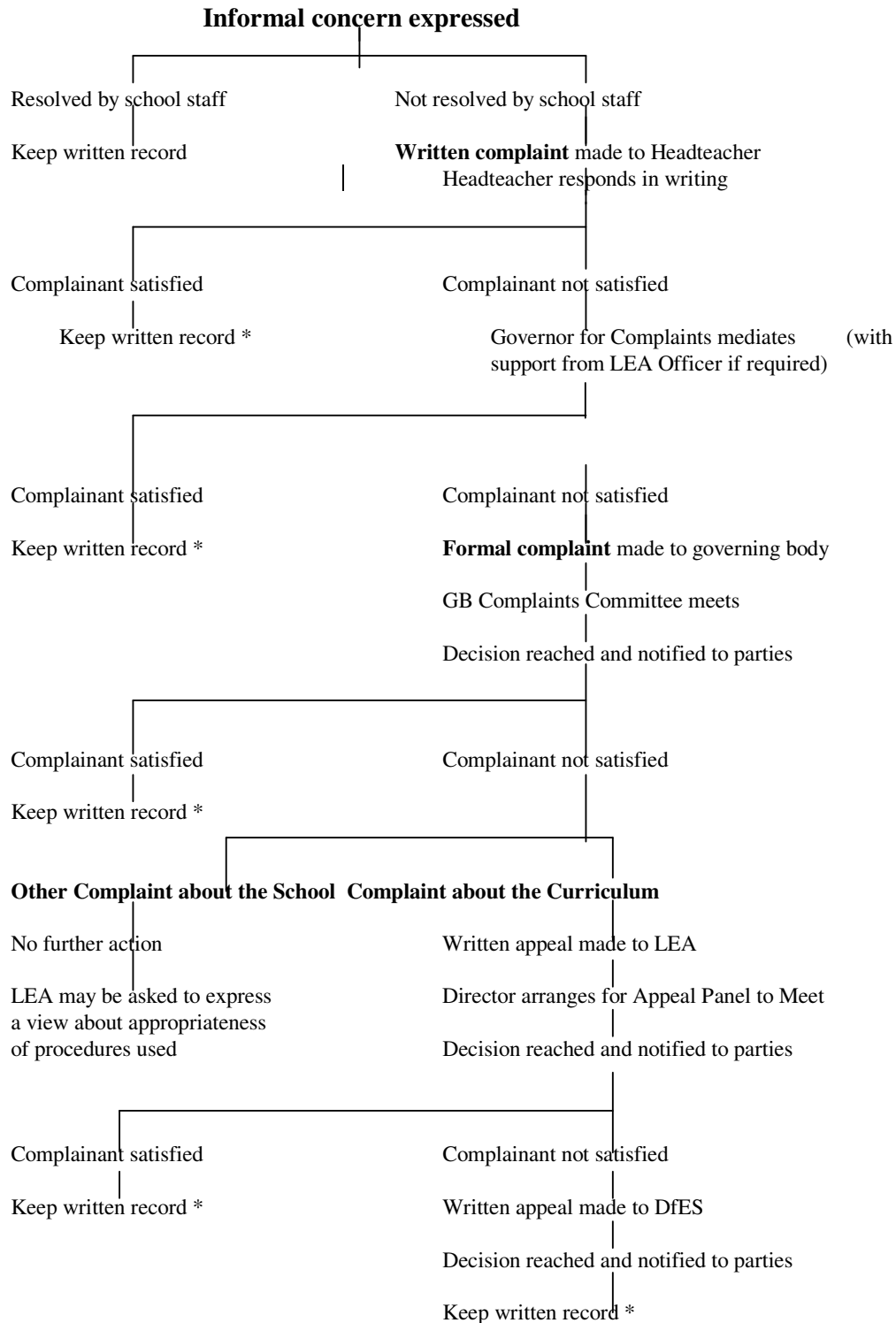
Copies of the Complaints Procedures should be available in schools.

Local Education Authority (LEA) Contact Point

Brenda Stannard (Parent & Pupil Support Officer)

01375 652535

Complaints Procedural Flow Chart



* Report all complaints to Governing Body annually