



Greenway Primary and Nursery School

Complaints Procedure

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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 3).

Dealing with Complaints – Formal procedures

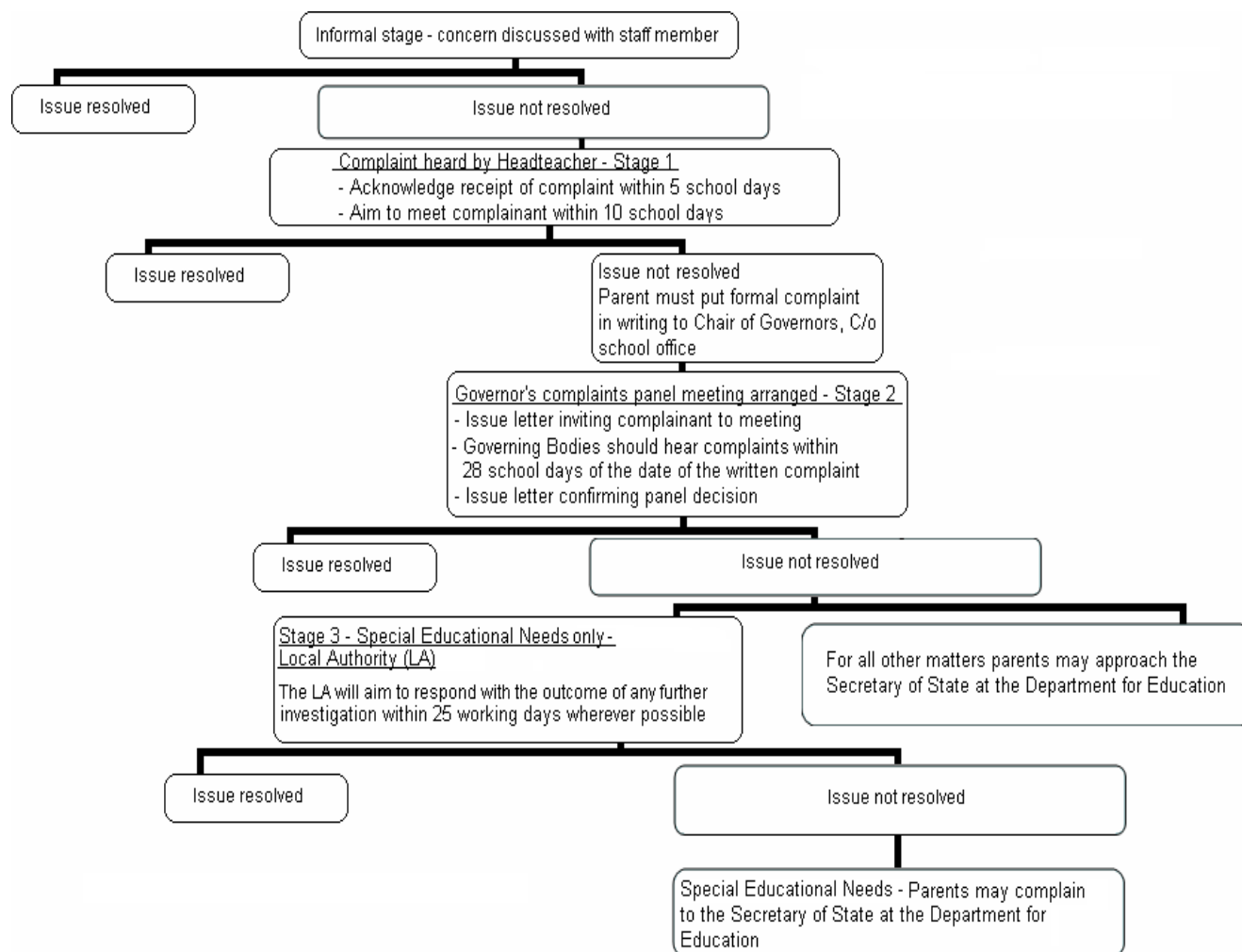
3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

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. – Headteacher);
- 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 2.

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, 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.

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 1)

Also included is:

- 'How to complain to your child's school - Information for Parents' (Appendix 2). This is also available to print off and distribute at the following link: www.hertsdirect.org/docs/doc/h/misccompschool.doc
- A model leaflet entitled 'How to comment or complain' - this is normally given to Parents when their child starts school (Appendix 3)
- Complaints to OFSTED from boarders and their Parents and children in boarding schools and residential special schools (Appendix 4)

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 Department for Education (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 DFE acknowledges that the majority of schools already have a complaints procedure in place, based on LA or Diocesan Board models.

The 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.governor.net.co.uk (go to Publications and search for School Complaints Procedure Toolkit) or telephone 08000 722 181.

By following the updated 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?
- A Governor about another member of the Governing Body
- Data Protection and Freedom of Information related matters

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

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 by Governors about other Governors –

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally in the first instance to try and resolve the matter as swiftly as possible. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors should be set up to consider the matter as under the normal complaints procedure in this document. Should Governors on the Governing Body be compromised then an independent Panel of Governors comprised of governors from other schools should be set up to consider the matter as under the normal complaints procedure in this document. Should this situation ever arise the Governor handling the matter should contact School Governance for advice – Telephone 01438 843082

Governors should be mindful of their behaviour and attitude throughout their tenure in the role. Useful guidance from the Committee on Standards in Public Life regarding the 7 principles of public life can be found at the following link:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

Complaints regarding compliance with Data Protection and Freedom of Information legislation

All schools are responsible for their own compliance with the Data Protection and Freedom of Information Acts, regardless of their status. Hertfordshire County Council is not responsible, even if the school is a Community or Voluntary-Controlled school. Should your school receive a complaint concerning Data Protection or Freedom of Information compliance, the complaints process outlined in this document should be followed. Advice and guidance about DP and FOI can be found at www.ico.org.uk

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

This complaints procedure does not cover:

- Child Protection Procedures - www.hertsdirect.org/childprotection
- Appeals about admissions – <http://www.hertsdirect.org/your-council/hcc/childserv/comments/appealpanels/schadmappeals>
- Appeals to the Governors discipline committee against permanent exclusion from school. Guidance on exclusions is available at the following link - <http://www.hertsdirect.org/your-council/hcc/childserv/comments/appealpanels/schexcapeals>
- Staff Disciplinary Procedures - www.thegrid.org.uk/schoolworkforce/human_resources/policies/documents/csf0030_model_disciplinary_procedures_mar10v2.doc

For further information about these procedures, please contact Children's Services 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 complaint relates to Special Educational Needs provision. Parents wishing to escalate a complaint about an Academy which has not been satisfactorily resolved through the Academy's complaints procedure should contact the Secretary of State at the Department for Education and request that the complaint be passed to the Education Funding Agency. 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
Website: www.education.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 contained in 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 2 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, the Chair of Governors must inform the Children's Services Complaints Manager at the Local Authority.

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. Please note that neither a pre-meeting nor an investigation in advance of the Panel are a requirement. They are optional and it is up to Governors to decide whether to conduct them

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 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 a Special Educational Needs complaint, 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 **20 working days (4 weeks)** of receiving the written outcome of the hearing.

After **20 working days (4 weeks)**, 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 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 Secretary of

State who may decide to conduct an additional investigation. 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
Website: www.education.gov.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. 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 BULLYING, THE NATIONAL CURRICULUM, COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, FOUNDATION OR TRUST SCHOOL, OR ABOUT ANY OTHER GENERAL MATTERS: THERE IS NO THIRD STAGE OF INVESTIGATION BY THE COUNTY COUNCIL

For the vast majority of complaints there is no right of further complaint or appeal to the LA beyond the school's Governing Body.

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.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Can parents complain to anyone other than the County Council?

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the 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 Governing Body or LA 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
Website: www.education.gov.uk

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 Children's Services Complaints helpline on 01992 588542.

Appendix 3 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 formally monitor 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.

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 process. It is for the use of Headteachers and Governors only.

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A checklist of actions:

- **Upon receipt of a formal letter of complaint.**
- **The Complaints Panel's first meeting.**
- **Preparing for the formal hearing.**
- **When the Panel has reached its conclusions.**
- **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* can answer Governors' questions on this material**

Website: www.hertfordshire.gov.uk/governors

Email: governance@hertsforlearning.co.uk

Telephone: 01438 843082

This material is also available to download at www.thegrid.org.uk

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- **Report from the Complaints Panel – Annex P**
- **To Complaints Team, copy of Panel’s recommendations – Annex Q**
- **To Parents following the discussion of recommendations by the Governing Body and next step – Annex R**
- **Vexatious Complaints – Annex S**

Training to support the good practice guidance contained within these model procedures can be arranged through the Hertfordshire School Governance Team:

Website: www.hertfordshire.gov.uk/governors

Email: governance@hertsforlearning.co.uk

Telephone: 01438 843082

Guidelines for School Management - Hearing Stage 2 Formal Complaints

Checklist of actions

Complaint fromdated

Upon receipt of a formal letter of complaint

Tasks	Done (date)	Notes
Acknowledge receipt of formal complaint (Chair of Governors).		<p><i>See complaint form, Annex A and letter, Annex B.</i></p> <p>Has the parent followed procedure – Informal; Stage 1?</p> <p>If no: Chair of Governors should write to parent informing them of the procedure and advise them to write to Headteacher.</p> <p>If yes: Follow process outlined here.</p> <p>If clarity is needed in respect of the complaint, the Chair of Governors should seek to obtain this in writing from the complainant or by meeting with them with a Note Taker present. This will support the Panel in having a clear understanding of the complaint. <i>See Annex E.</i></p>
At the same time inform the Headteacher that a complaint has been received (Chair of Governors).		<i>See Annex C.</i>
Arrange a Panel of Governors to hear the complaint (Chair of Governors)		<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 need to withdraw because they have prior knowledge of the incident or have a conflict of interest or are unavailable.</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</p>

		<p>useful.</p> <p>The Governing Body must delegate powers to reach FINDINGS 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 RECOMMENDATIONS 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>*(The law only specifies at least three Governors in the case of dismissal and exclusions)</p>
Inform Complaints Team if required (SEN only).		The Complaints Team should be informed in the case of a complaint about the provision of SEN. <i>See Annex D.</i>
Panel receives a copy of the formal complaint (as agreed or clarified by the Chair of Governors and Complainant where necessary)		<p>In particular you will need to be clear whether the Panel 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/Panel 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 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 (see final paragraph) may be a vital witness.</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. Schools are not encouraged to</p>

<ul style="list-style-type: none"> signed statements. Panel requests witness to attend. 	<p>obtain children’s witness statements that identify individual children. If however a child’s statement/evidence is considered necessary, parents must be informed and invited to the interview where the statement is to be taken.</p> <p>In order to avoid requiring an unwieldy number of witnesses appearing at the hearing, the Panel would be advised to seek signed and dated statements from witnesses. These statements must be included in the Panel Pack sent to all relevant parties before the hearing (at least 7 school days beforehand – see ‘send out papers below’). 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>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. However, signed, dated and named witness statements will always be considered by the Panel. Please note that it is up to the Panel to decide whether to invite a witness to the hearing. The Panel cannot insist on anyone attending a hearing except staff members.</p>
<p>Decide the date of the complaint hearing and secure a Clerk.</p>	<p>The date should be as soon as possible and within 28 school days (5½ weeks) of the date of the complaint/receipt of the complaint (if outside of this timescale, there should be a compelling reason and all parties informed) and consistent with giving time for the necessary evidence to be collected, copied and distributed to all concerned at least 7 school days before the hearing (see below).</p>
<p>Write to Parents and Headteacher informing them of the date of the hearing.</p>	<p>At the same time ask them to provide any further written evidence to support their formal complaint at least 10 school days (2 weeks) before the hearing.</p> <p>Also ask them to say if they will be accompanied by a friend and to give the name of that person and in what capacity they are</p>

		attending (Friend, Interpreter, Solicitor, Union Official, etc). See <i>Annex H</i> . The Panel reserves the right to refuse entry to anyone whose attendance has not been confirmed.
Write to any member of Staff named in the complaint to offer them an opportunity to attend the hearing.		You may not wish to call upon them, but they have a right to attend. They may be accompanied by a friend or representative, however the latter must not have a conflict of interest. <i>See Annex I.</i>

Preparing the formal hearing

Tasks	Done (date)	Notes
Decide the format of the hearing.		A schedule describing the suggested 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/hearing). It is not appropriate for the Headteacher/respondent and complainant 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 the Headteacher/respondent and complainant would have asked. At the end of their questioning, the Chair of the Panel should ask the complainant and Headteacher/Respondent for their closing comments.
Send out papers to Parents, Headteacher/respondent, etc.		These should arrive at least 7 school 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"> • all the documentary evidence • names and status (i.e. Friend, Solicitor, Interpreter, Union Official, etc) of everyone who will attend including any witnesses. • a schedule describing the format of the hearing. <i>See Annex J.</i> • Please note that the Panel may need to consider some evidence that must remain confidential and not be shared externally beyond the Panel (e.g. when evidence contains 3rd party information).
Ensure there is an		For suggested layout see <i>Annex L</i> .

appropriate meeting room to conduct the hearing.		
Prepare questions the Panel needs to ask on the basis of all available documentation.		<i>See Annex M.</i>
Decide where Parents, Headteacher/Respondent and any witnesses will wait.		It is important that Headteacher/Respondent and Complainant go into the hearing and leave at the same times, ushered by the Clerk, so there is no suggestion that the Panel have been 'got at'. This includes any breaks or adjournments.
Clerk takes notes and ensures procedural compliance.		These notes should enable members of the Panel to check back on any significant points that were made at the hearing. Members of the Panel should avoid taking minutes and focus on 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. The Chair of the Panel should make it clear that recording of the hearing is not permitted and that any unauthorised recordings will be inadmissible as evidence.
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, where possible.		Hearings continue in absentia should either or both parties opt to leave (or fail to attend at all). Ensure both parties are aware of this.

When the Panel has reached its conclusions

Tasks	Done (date)	Notes
Write with your conclusions to the Parents within 5 school days (1 week) .		<i>See Annex N.</i> The Panel should aim to keep its findings brief and simple. Recommendations should not be included at this time (see overleaf).
Write to the Headteacher enclosing a copy of your conclusions to the Parents.		<i>See Annex O.</i>
Report to Governing Body		<i>See Annex P</i> The findings and recommendations should be presented to the Governing Body within in a

		<p>reasonable timescale. If a meeting is not scheduled within 5 weeks after the hearing, it is recommended that an extraordinary meeting is called.</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 findings from consideration of all the evidence. This means that the findings must be accepted by the Governing Body. However, the Panel may make recommendations to the full Governing Body based on lessons learned from the investigation of the complaint. Any recommendations will be subject to discussion by the Governing Body and may not be accepted.</p> <p>In the event of a disagreement to accept recommendations, a majority vote decides.</p>
Report to Complaints Team where required (SEN only).		Governing bodies are required to report the outcome of complaints regarding SEN to the LA. See <i>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.		See <i>Annex R</i> .

If the Parent is not satisfied with the outcome of the hearing

Acknowledge receipt of their letter and respond appropriately. If the complaint is not about SEN provision, see <i>Annex R</i> .		<p>Complaints about the provision of SEN 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 20 working days (4 weeks) of receiving the written outcome of the hearing. After 20 working days (4 weeks), 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>.</p>
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Formal Complaint Form

Name		
Address		
Postcode		
Email address		
Telephone No.	Day	
	Evening	
	Mobile	
What is it you want to complain about?		
Have you raised your issue with the Class Teacher (informal stage)? If so, when did you do this?	YES (inc. date)	NO
Have you complained to the Headteacher (Stage1)?	YES	NO
When did you do this?	Date:	
What happened when you complained to the Headteacher?		

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

Signed	
Date	

Please return this form to the Chair of the Governing Body

It is strongly recommended that all parents are asked to fill out this form and return it

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 for a Panel of Governors to consider your complaint. Communication hereafter will be from a member of the Panel once they have been appointed. They will make contact with you to introduce themselves shortly to offer a couple of suggested dates for the formal hearing to take place.

Once the date has been established, you will receive a further letter which will confirm all of the details as well as any requests the Panel may have for you.

Or

There is no record of you raising this matter with the school in the first instance. Please note the process in the enclosed complaints procedure.

I have passed the paperwork to the Headteacher to give the school the opportunity to respond and seek resolution. The Governing Body cannot intervene before this process has been applied.

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 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 (Amend or delete as applicable).

Yours sincerely,

Chair of the Governing Body

Enc.

**Letter to Complaints Team informing about a complaint concerning
SEN**

Complaints Team
Customer Service Team
County Hall
Hertford
SG13 8DF

Date

Dear

COMPLAINT CONCERNING SEN

The Governing Body has 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?	<ul style="list-style-type: none">•••••		
What facts do we need to establish?	How? <i>(documentation from questioning of)</i>	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:

(Fill in here)

We think it would be helpful if you could meet with the Panel to clarify 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. Please note that the Panel reserves the right to decide whether or not to hear representations from your child. For example, if the Panel considers that your child may become distressed as a result of the process, it may exercise its discretion not to hear from your child.

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

Enc.

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).

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 school days ahead of formal hearing). You must let us know in which capacity the additional person is attending - Interpreter, Legal Representative, Friend, etc). Please note that they will not be invited to make representations to the Panel unless it has been requested that they make formal representations on your behalf.

I shall write to you by(date, at least 7 school 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 school days ahead of formal hearing).

It is imperative that you submit all of your evidence by the date indicated. In the event that you fail to do so, the Panel reserves the right to reject late submission of evidence, or to delay the hearing taking place.

Yours sincerely,

Chair of Complaints Panel.

C.c. Parent/Headteacher

N.B. 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 school 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 school 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 complaint lodged and conduct of the hearing. Panel Chair checks that everyone has a copy of this Format of Hearing on the table.
Stage B	Parents present summary of 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/respondent 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/respondent 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/respondent 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.
NB. Parents and Headteacher /respondent are not invited to question each other. If you have adopted a Diocesan complaints policy, please check the guidance contained as it may differ from these model procedures.	

➤ 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 or adjourn the meeting.

Letter to Parents and Headteacher enclosing papers

Dear

COMPLAINT ABOUT

Thank you for providing the information we asked for in our letter of date (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 the Headteacher and the Parents from the waiting area and you will be introduced to the Panel at the same time (amend as appropriate).

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

- *Members of Panel*
- *Clerk/Notetaker*
- *Parents*
- *Friend/Representative (indicating status)*
- *Headteacher*
- *Head's Representative (indicating status)*
- *Witnesses (if required)*
- *Additional named Staff (who are entitled or 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 Panel will refer to the enclosed documents and seek answers to questions to help them come to a decision. 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

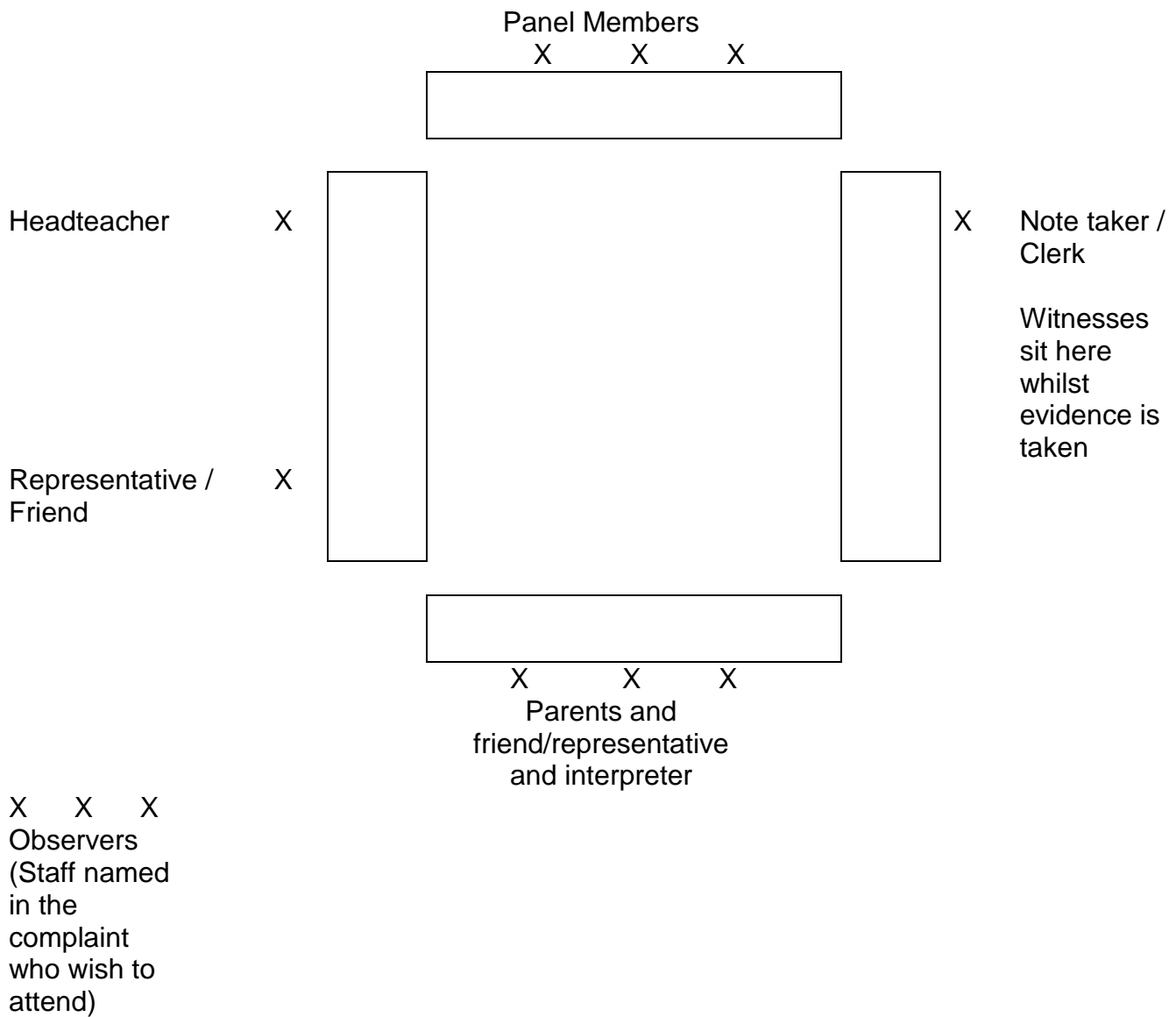
Yours sincerely,

Chair of Complaints Panel

Enc.

Annex L

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

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).

Complaint Upheld / Partially Upheld / Not Upheld / etc

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 (SEN only)

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 (if complaint concerns the provision of SEN)

Complaints Team
Customer Service Team
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

Enc.

**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(s).

(List actions and timescales for completing them here)

Yours sincerely,

Chair of the Governing Body

Letter to Parents not satisfied with the Panel's conclusions

Dear.....

Complaint about

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

I can confirm that the school's complaints procedure has now been exhausted and there is nothing further that neither I nor any other member of the Governing Body can add.

Since this is a complaint about the provision of Special Educational Needs, you may lodge a third stage complaint with the Local Authority. You may write to the Children's Services Complaints Team, County Hall, Hertford, SG13 8DF (Delete as appropriate).

Or (if not an SEN provision complaint)

You may make a complaint to the Secretary of State at the Department for Education if you believe the Governing Body has acted unreasonably or unlawfully. The Secretary of State's address is: Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

Yours sincerely,

Chair of Complaints Panel

Appendix 2

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 eliciting different responses.
- the complainant refuses to follow established processes.

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. – Headteacher);
- 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.

Appendix 3

New English Fluency Duty

On 21 November 2016, Central Government introduced a new Code of Practice. This is a statutory requirement which specifies that all public sector workers in a 'customer facing' role must be able to speak English fluently.

Does this apply to Schools and Academies?

Yes. The duty applies to all bodies which carry out functions of a public nature, including Schools and Academies.

How does this affect staff?

The duty applies in respect of all employees, including agency staff, self-employed contractors and apprentices. Existing employees are covered, as well as new recruits. This includes reception staff, teaching assistants, lunchtime organisers, learning mentors, and other roles depending on their duties and interactions with parents and members of the public. Teachers in Local Authority maintained schools are already subject to a language standard through annual appraisals.

What is fluency?

Fluency relates to an individual's ability to speak with confidence, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand. The Government's Code of Practice identifies different levels of fluency. It is important that schools apply a minimum threshold level. For those posts where a greater level of fluency and interaction is required, it is recommended that a higher threshold level is applied.

Fluency Test

Schools must satisfy themselves that public facing staff speak fluent English. This could be through a formal test, or the individual may demonstrate fluency through conversation during the interview process. Existing employees may have already proven themselves in the job.

What do Schools and Academies need to do?

Consideration needs to be given as to how fluency will be assessed. Recruitment practices may need to be adapted to incorporate the new duty. Job advertisements should clearly state the standard of English required for the role and schools must objectively measure candidates against that standard. It is important to ensure consistency across similar roles. It is also vital to ensure all applicants are treated in the same way, to avoid any breach of the Equality Act. Obviously, existing staff in roles which the duty now applies to, need to be considered, especially if they might fall short of the required standard.

Handling Complaints

The Code requires Schools and Academies to operate a complaints procedure so that if somebody wishes to complain about a lack of English fluency it will be investigated and responded to formally. This does not need to be a separate stand-alone policy, so your school complaints policy will suffice for this purpose

