



Complaints Procedure

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1 Introduction

Inevitably there will be occasions when parents / carers / stakeholders are worried or concerned about issues arising from their child's experiences whilst in the care of Newburgh Primary School. Many of these issues are more correctly identified as concerns rather than complaints. Newburgh Primary School is committed to taking such concerns seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. However, on the rare occasions when a concern cannot be resolved, we have a formal complaints procedure which is outlined below.

The prime aim of Newburgh Primary School policy is to resolve any complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Serial and Unreasonable Complaints will incur appropriate action by the school – please refer to our model Policy for Serial and Unreasonable Complainants for further guidance in this regard.

Definition

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communications as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made about actions taken or a lack of action”.

Any concern or complaint will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

A '**grievance**' is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, we invite them to raise this with their child's class teacher in the first instance. Ideally the class teacher will be able to address the Complainants' concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

If a complainant has difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, Mrs F. Caddick, the Complaints Co-ordinator will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Mrs J. Simpkins, Headteacher, will refer them to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Newburgh Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Complaint Process from Start to Finish

Concern or Complaint Received	
Stage 1 – INFORMAL STAGE	
SCHOOL ACTION	
<p>Informal discussion with the class teacher or other relevant member of staff, usually resulting in the resolution of the issue.</p> <p>If the complaint is about the Head teacher – proceed to Stage 2*</p>	<p>Within 7 school days, the complainant is informed of the action to be taken to resolve the issue.</p> <p>If they are not satisfied with the outcome a copy of the school's complaint procedure will be given together with information on how to proceed to Stage 2.</p> <p>If the Head teacher has addressed the complaint at this stage, then the matter should progress to Stage 3.</p>
FORMAL STAGE	
Stage 2 – COMPLAINT HEARD BY HEAD TEACHER	
<p>The complaint is submitted to the Head teacher</p>	<p>Within 5 school days the Head teacher will acknowledge receipt of the complaint and after investigation will provide a full written response to the complainant within 15 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 3.</p>
Stage 2* - COMPLAINT HEARD BY CHAIR OF GOVERNORS (if the complaint is about the Head teacher)	
<p>A written complaint is sent to the Chair of Governors</p>	<p>The Chair of Governors acknowledges receipt and provides a full written response within 15 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4.</p>
Stage 3 – INVESTIGATION BY THE CHAIR OF GOVERNORS	

Complainant writes to the Chair of Governors within 10 school days of receiving the response confirming they remain dissatisfied and requesting further investigation of their complaint.	<p>The Chair acknowledges receipt and provides a full written response within 20 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4.</p>
Stage 4 – COMPLAINTS APPEAL PANEL (CAP)	
Complainant writes to the Clerk of the Governing Body within 10 school days of receiving the response, requesting an appeal to be heard by a Complaints Appeal Panel.	<p>The Clerk will acknowledge receipt of the complaint within 3 school days and will arrange for a CAP to meet within 20 school days.</p> <p>Once the CAP meeting has taken place, the Clerk will inform the Complainant of the outcome within 5 school days.</p>
Final Stage - APPEAL	
If the Complainant remains dissatisfied with the outcome, they have the right to refer their complaint to the Secretary of State.	The Secretary of State may intervene if a Governing Body has acted unlawfully or unreasonably.
<p>NB: Every effort will be made to meet the timescales stated but if it is not possible to meet them at any stage of the process the complainant will be contacted with an explanation and a revised date.</p>	

Stage 1 - Informal Stage

Concerns may be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The Complainant should start by sharing their concerns with the class teacher as this is usually the best and quickest way of resolving issues. In some cases, the concern raised may require investigation, or the class teacher may feel it more appropriate to refer the Complainant to a more senior or experienced member of staff who will try to resolve the concern informally. In this case the Complainant should receive an informal but considered response within 7 school days.

- It is recommended that the Complainant makes an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away

- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- To prevent any later challenges or disagreements over what was said, it is good practice for the class teacher to make brief written notes of meetings and telephone calls and a copy of any written response should be added to the record. These notes are kept securely on the school's ICT system.
- They may need to talk to others before they can respond. The Complainant should be given a timescale for a response; no more than 7 school days.

Most concerns will be satisfactorily dealt with in this way. However, if the Complainant is not happy with the informal approach then a formal complaint must be made to the Head teacher (unless they are about the head teacher) within 10 school days via the school office, giving the reasons for the continued concern.

This may be done in person, in writing (preferably on the Complaint Form *Appendix 2*), or by telephone. The issue will then be escalated to **Stage 2 – Formal Complaint made to the Head teacher.**

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

- If the complaint is about the head teacher, the Complaints Co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Governing Body.
- If a complaint is made to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the adopted school procedure; if they do, they cannot be involved in the complaint is subject to a hearing at a later stage of the procedure.

Stage 2 – Formal Complaint made to the Head teacher

Stage 2 of the process should be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the head teacher will contact the complainant to inform them of a revised target date.

Formal complaints can be raised:

- By letter or email
- Over the 'phone
- In person
- By a third party acting on behalf of the complainant

The Head teacher will record the date the complaint is received by completing a Complaint Tracker Form *Appendix 3*) and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

An appointment with the head teacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant can arrange alternative accompaniment.

The head teacher (or other person appointed by the head teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation should be sent to the complainant within 5 school days.

Where the head teacher or chair of the Governing Body has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

The Head teacher or investigator will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact the Complainant if they need further information;
- Clarify how the Complainant may feel things could be put right (if this has not been set out in their letter or included on the Complaints form);
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record.

The Head teacher or investigator will keep in mind ways in which the complaint can be resolved. It may be enough 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 (please note this is not an admission of negligence)
- 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 policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

Once all facts are established, within a maximum of 15 school days the Head teacher should contact the complainant in writing with an explanation of the decision.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Newburgh Primary School will take to resolve the complaint.

The complainant will be advised of any escalation options (for example, escalation to Stage 3) and provided with details of this process.

Complaints can be escalated by contacting the clerk to the Governing Body:

- by letter or email
- over the 'phone
- in person
- through a third party acting on behalf of the complainant

The clerk will need the details of the complaint, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The complainant will also be provided with copies of approved minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

Stage 3 – Investigation by the Chair of Governors

The complainant should submit any complaint in respect of the head teacher's investigation in writing (or via an alternative method if necessary) within 10 school days to the chair of governors.

The chair of governors will carry out an investigation and consider all available evidence.

The complainant and the head teacher should be informed of the outcome within 20 school days of the chair of governors receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If the complainant is not satisfied with the way the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the Governing Body reviews the complaint (stage four).

Stage 4 – Complaint Appeal Panel (CAP)

Following receipt of a Stage 3 outcome, the complaint should be made in writing to the Clerk, via the school office within 10 school days requesting a Complaints Appeal Panel Meeting (CAP) – a meeting with members of the Governing Body’s complaints committee, which will be formed of three, impartial governors. This is the final stage of the complaints procedure.

- Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school’s ICT system and, where appropriate, encrypted.

The Clerk to the Governing Body will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The acknowledgment will advise the Complainant that three members of the School’s Governing Body (which may include or comprise of Governors from schools with whom the school has a Joint Hearings Panel agreement in place) should hear the complaint within 20 school days of receipt of the **Stage 4 – Complaint Appeal Panel** request.

The Complaint Appeal Panel members will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs.

If it is not possible to convene the meeting within 20 school days, the Clerk will provide an anticipated date and keep the complainant informed.

The letter will invite the Complainant to attend and explain that they have the right to submit any further documentation relevant to the complaint. The Complainant may bring a friend or someone else for support.

Generally, we do not encourage either party to bring legal representatives to the CAP meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and /or legal representation.

Representatives from the media are not permitted to attend.

The Clerk will enclose a copy of this Complaint Procedure with the acknowledgement.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence based on written submissions from both parties.

An experienced governor will convene a CAP comprising of:

- Three members of the Governing Body.

The independent Complaint Panel member will be the Chair of the Complaint Panel

If the whole Governing Body is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Whilst the final decision regarding such a request rests with the Governing Body, it should be granted where the appearance of bias is enough to taint any decision reached.

To appoint a governor from another school onto an independent complaints appeal panel, the Governing Body does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003. *However* as Newburgh Primary School has a Joint Hearings Panel agreement in place with other schools these governors may be appointed onto the CAP.

Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced.

Governors from academies may be asked to serve on a Complaints Appeal Panel.

If the attendance of any pupil is required at the hearing, parental permission will be sought if they are under the age of 18.

A pupil has the right to be accompanied at a Complaints Appeal Panel Meeting and extra care will be taken to consider the vulnerability of children where they are present at a Complaints Appeal Panel.

Where appropriate, the clerk will ask for support from Governor Services at the LA.

At least 10 school days before the meeting, the Clerk should:

- confirm and notify all parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5** school days before the meeting.
- Any written material will be circulated to all parties at least **5** school days before the date of the meeting. The CAP will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The CAP will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from **Formal Stage 2 – Formal Complaint made to the Head teacher**

Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The head teacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The CAP will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Clerk will record the proceedings in the form of minutes. The typed minutes are a summary of the procedure followed and the discussions taking place at the meeting but will not include the deliberations of the panel. Notwithstanding this, full and comprehensive notes of the decision taken by the CAP should be taken. The minutes are the property of the Governing Body and the final approved version can be made available upon request, with release subject to the rules set out in the GDPR and the DPA 2018.

The CAP should allow for:

- ✓ The complainant to be present and accompanied at the hearing if they wish.
- ✓ The complainant to explain their complaint and the head teacher to explain the reasons for their decision.
- ✓ The complainant to question the head teacher, and vice versa, about the complaint.
- ✓ Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- ✓ Members of the CAP to question both the complainant and the head teacher.
- ✓ Final statements to be made by both parties involved.

The CAP will consider the complaint and all the evidence presented, they can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the CAP will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the CAP will provide the complainant and Newburgh Primary School with a written response explaining the panel's findings and recommendations within 5 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Where relevant, the person complained about will receive an approved summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If it is not possible to meet this timeline then the Clerk of the Panel will contact both parties to discuss a mutually convenient date. *Further information on how the Panel operates and the process it follows is attached as Appendix 8.*

Final stage – Appeal

If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in accordance with its legal definition, meaning acting in a way that no reasonable school or Governing Body could act in the circumstances.

Interviewing witnesses

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another independent member of staff. In the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents / carers.

The school will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

Recording a complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing detailing:

- The main issues raised the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route of panel hearing.

- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the head teacher. Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire Governing Body. The exception to this is when a complaint is made against the whole Governing Body and they need to be aware of the allegations made against them, to respond to any independent investigation.

Complainants are likely to have a right to access copies of these records under data protection legislation.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

Anonymous complaints

Newburgh Primary School will not normally investigate anonymous complaints. However, the Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Duplicate complaints

There may be some cases where at the end of the complaints procedure Newburgh Primary School receives a duplicate complaint on the same subject from a complainant's spouse, partner, grandparent or child.

The 'new' complaint will be assessed to establish whether there are new aspects to it that may not have been previously considered, or if there is any new information to consider. Any new elements of a complaint will be investigated and dealt with in line with the complaints procedure.

If Newburgh Primary School are satisfied that there are no new aspects, the new complainant will be advised to contact the DfE if they are dissatisfied with the handling of the original complaint.

Unreasonable and / or persistent complaints

Most complaints raised will be valid, and therefore Newburgh Primary School will follow the procedure outlined to deal with them. However, a complaint may become unreasonable if the person:

- ❖ Has made the same complaint before, and it is already been resolved by following the school's complaints procedure;

- ❖ Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- ❖ Knowingly provides false information;
- ❖ Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure;
- ❖ Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with the complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out;
- ❖ Changes the basis of the complaint as the investigation goes on;
- ❖ Makes a complaint designed to cause disruption, annoyance or excessive demands on school times; or
- ❖ Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps Newburgh Primary School will take:

Newburgh Primary School will take every reasonable step to address the complainant's concerns and give a clear statement of our position and their options. We will follow our complaints procedure wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communication strategies in place. We may:

- ❖ Give the complainant a single point of contact via an email address;
- ❖ Limit the number of times the complainant can make contact, such as a fixed number per term;
- ❖ Ask the complainant to engage a third party on their behalf, such as Citizens Advice; or
- ❖ Put any other strategy in place as needed.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

The school will not deny any individual access to information that they have a right to under the Education (Pupil Information) (England) Regulations 2005.

Stopping responding

Newburgh Primary School may stop responding to the complainant when all these factors are met:

- ❖ We believe we have taken all reasonable steps to help address their concerns;
- ❖ We have provided a clear statement of our position and their options; and
- ❖ The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

Complaint campaigns

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints. For the purpose of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject.

Depending on the subject in question, Newburgh Primary School may deviate from the procedure set out in this policy and would follow DfE recommendations.

Where Newburgh Primary School becomes the subject of a complaint campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If Newburgh Primary School receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

Barring from school premises

School premises are private property and therefore any individual can be barred from entering the premises.

If an individual's behaviour is cause for concern, the head teacher can ask the individual to leave the premises.

The head teacher will complete an Anti-Social Behaviour Record (*Appendix 4*) documenting accurate details.

The head teacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and the reasons why, subject to any representations that the individual may wish to make.

Note: *For any schools that contact Legal Services regarding this, they will write to the parents on the school's behalf.*

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of governors or a committee of governors, considering any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the head teacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

Social Media

For complaints to be resolved as quickly and fairly as possible, Newburgh Primary School requests that complainants do not discuss complaints publicly via social media including, but not limited to, Facebook, WhatsApp and Twitter. Complaints will be dealt with confidentially for those involved, and Newburgh Primary School expect complainants to also observe confidentiality.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, Newburgh Primary School is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school's website.

Parental responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

[Understanding and dealing with issues relating to parental responsibility](#) contains specific advice about how to approach issues concerning parental responsibility. Newburgh Primary School will adhere to this advice as well as following this policy.

Complaints that Result in Staff Capability or Disciplinary

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Head teacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

Complaints about the Governors

For Complaints against any member of the Governing Body Appendix 7 should be followed.

Time Scales

For Newburgh Primary School to be able to investigate a complaint, the initial concern needs to be raised within 3 months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. If a concern / complaint relates to an incident older than this it will not be investigated or discussed further, other than in exceptional circumstances which would be entirely at the discretion of the head teacher.

What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head teacher will review the situation and decide whether to enact the complaints procedure, informing the chair of governors of the decision.

Complaints about our fulfilment of the Early Years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainants of the outcome within 28 days of receiving the complaint. Newburgh Primary School will keep a record of the complaint and make this available to Ofsted on request.

Parents / carers can notify Ofsted if they believe that the school is not meeting the Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

Timeframe for Formal Complaints

Newburgh Primary School will endeavour to abide by the timeframes stated but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

All timescales refer to school working days, i.e. excluding weekends, school holidays etc.

Complaints Received Outside of Term Time

Newburgh Primary School consider complaints made outside of term time to have been received on the first school day after the holiday period.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Record keeping and Confidentiality

Newburgh Primary School will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and telephone calls.

The records will be treated as confidential and held securely on the school's ICT system and will be viewed only by those investigating the complaint or on the CAP.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through data protection or other legislation, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body, in case a Complaint Appeal Panel needs to be convened at a later point.

Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintain schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

The Role of the Local Authority (LA)

There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Head teacher, Chair of Governors or Clerk as appropriate

Transferring data

Newburgh Primary School will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained in circumstances in which the pupil (and therefore their educational record) transfers to a new school.

Information that Newburgh Primary School retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

Availability and Publishing our policy

A copy of this policy will be published on the school website in accordance with the School Information (England) Regulations 2008.

Reviewing and Monitoring Arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated above.

The Governing Body will review any underlying issues raised by complaints with the Head teacher, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practices to help prevent similar events in the future.

The complaints procedure will be reviewed every 2 years, considering the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the Governing Body and the head teacher.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

Links with other policies

Policies dealing with other forms of complaints include:

- ❖ Child protection and safeguarding policy and procedures
- ❖ Admissions policy
- ❖ Exclusions policy
- ❖ Staff grievance procedures
- ❖ Staff disciplinary procedures
- ❖ SEN policy and information report
- ❖ Privacy notices

Signed:

Date:

Appendix 1 - Complaints Process from Start to Finish

Concern or Complaint Received	
Stage 1 – INFORMAL STAGE	
SCHOOL ACTION	
<p>Informal discussion with the class / form / subject / pastoral teacher or other relevant member of staff, usually resulting in the resolution of the issue.</p> <p>If the complaint is about the Head teacher – proceed to Stage 2*</p>	<p>Within 7 school days, the complainant is informed of the action to be taken to resolve the issue.</p> <p>If they are not satisfied with the outcome a copy of the school's complaint procedure will be given together with information on how to proceed to Stage 2.</p> <p>If the Head teacher has addressed the complaint at this stage, then the matter should progress to Stage 3.</p>
FORMAL STAGE	
Stage 2 – COMPLAINT HEARD BY HEAD TEACHER	
<p>The complaint is submitted to the Head teacher</p>	<p>Within 5 school days the Head teacher will acknowledge receipt of the complaint and after investigation will provide a full written response to the complainant within 15 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 3.</p>
Stage 2* - COMPLAINT HEARD BY CHAIR OF GOVERNORS (if the complaint is about the Head teacher)	
<p>A written complaint is sent to the Chair of Governors</p>	<p>The Chair of Governors acknowledges receipt and provides a full written response within 15 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4.</p>
Stage 3 – INVESTIGATION BY THE CHAIR OF GOVERNORS	
<p>Complainant writes to the Chair of Governors within 10 school days of receiving the response confirming they remain dissatisfied and requesting further investigation of their complaint.</p>	<p>The Chair acknowledges receipt and provides a full written response within 20 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4.</p>

Stage 4 – COMPLAINTS APPEAL PANEL (CAP)	
Complainant writes to the Clerk of the Governing Body within 10 school days of receiving the response, requesting an appeal to be heard by a Complaints Appeal Panel.	<p>The Clerk will acknowledge receipt of the complaint within 3 school days and will arrange for a CAP to meet within 20 school days.</p> <p>Once the CAP meeting has taken place, the Clerk will inform the Complainant of the outcome within 5 school days.</p>

Final Stage - APPEAL	
If the Complainant remains dissatisfied with the outcome, they have the right to refer their complaint to the Secretary of State	The Secretary of State may intervene if a Governing Body has acted unlawfully or unreasonably.

NB: Every effort will be made to meet the timescales stated but if it is not possible to meet them at **any** stage of the process the complainant will be contacted with an explanation and a revised date.

Appendix 2 - Complaint Form

Please complete and return to the Complaint Officer Mrs F. Caddick who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint
What action has been taken so far (including staff member who has dealt with it) or solutions offered:
What actions do you feel might resolve the problem at this stage? What outcome are you expecting?
Are you attaching any paperwork? If so, please give details.

Signature:
Date:
<i>Official use</i>
<i>Date acknowledgement sent:</i>
<i>By who:</i>
<i>Complaint referred to:</i>
<i>Date:</i>

Appendix 3 - Complaint Tracker

Complain t / Subject	Date original complaint received	Stage 2 – Formal Stage - Head teacher	Stage 2* – Chair of Governors (Complaint about Head Teacher) Date request received:	Stage 3 – Investigation by Chair of Governors Date request received:	Stage 3 – Complaint Appeal Panel Date request received:	Action to be taken: Use this column with dates to put latest progress, e.g.:
		Who is dealing with?	Who is completing investigation?	Who is completing investigation?	Date panel to meet by:	
		Date response to be sent by:	Date response to be sent by:	Date response to be sent by:	Date of Panel:	
		Outcome: Upheld because:	Outcome: Upheld because:	Outcome: Upheld because:	Date papers to be received / sent:	
		Not Upheld	Not Upheld	Not Upheld	Panel Chair:	
					Panel Member:	
					Panel Member:	
		Embed letter / documents here	Embed letter / documents here	Embed letter / documents here	Panel Outcome:	

Appendix 3 - Complaint Tracker *(Completed example)*

Complaint / Subject	Date original complaint received	Stage 2 – Formal Stage - Head teacher	Stage 2* – Chair of Governors (Complaint about Head Teacher) Date request received:	Stage 3 – Investigation by Chair of Governors Date request received: 25/2/19	Stage 3 – Complaint Appeal Panel Date request received: 11/3/19	Action to be taken: Use this column with dates to put latest progress, e.g.:
Mr and Mrs 123 complaining about the lack of marking in daughter's homework book	1/2/19	Who is dealing with: Mrs ABC (HT)	Who is completing investigation:	Who is completing investigation: xx – Chair of Governors	Date panel to meet by: 29/3/19	11/3/19 – received complaint and contacted COG. Panel to be arranged – waiting for 2 dates from HT before contacting governors. 13/3/19 – HT given 2 dates – 26/3/19 and 27/3/19 – contacting governors with both dates to get a final date. 14/3/19 – Governor 1,2,3 are available to do panel on 27/3/19. Advised complaint and HT via letter and all papers to be received by 19/3/19 at 5pm. 20/3/19 – sent all papers out.
		Date response to be sent by: 14/2/19	Date response to be sent by:	Date response to be sent by: 10/3/19	Date of Panel: 27/3/19	
		Outcome: Upheld because: Not Upheld <i>No evidence to show that the homework book has not been marked.</i>	Outcome: Upheld because: Not Upheld	Outcome: Upheld because: <i>Partly upheld – investigation showed that on one occasion the escalation process wasn't correctly followed.</i> Not Upheld	Date papers to be received / sent: Received 19/3/19 and send 20/3/19 Panel Chair: Governor 1 Panel Member: Governor 2 Panel Member: Governor 3	
		Embed letter / documents here	Embed letter / documents here		Panel Outcome:	

Appendix 4 – Anti – Social Behaviour Record for Visitors to site

ANTI-SOCIAL BEHAVIOUR RECORD FOR VISITORS TO SITE

School Name: _____

Your Name: _____

Time, date and duration of incident	Location of incident	Brief details of what happened	Who was involved?	Names and contact details of any witnesses	Were the police called?	How did this incident affect you? How do you feel?

Signed: _____

Date: _____

THIS INFORMATION MAY BE USED AS EVIDENCE IN LEGAL PROCEEDINGS

Appendix 5 - Responding to Complaints: Guidance for Governing Bodies

This guidance is intended to be used together with the school's Complaints Procedures Policy to support the Governing Body with appropriately and professionally responding to complaints.

It also provides clarification of roles within the complaints management process and the areas of responsibility that the Governing Body has.

Responsibilities of the Governing Body

The Governing Body must ensure that a written Complaints Procedures Policy is in place that has due regard to any guidance given by the Secretary of State published via the DfE.

The Governing Body must ensure the complaints policy is published on the school's website. The board should also make certain that the Complaints Procedures Policy meets the following criteria:

- ✓ The policy is written in simple terms and is easy to understand.
- ✓ The policy is impartial.
- ✓ The policy is non-adversarial
- ✓ The policy provides a process for a full and fair investigation.
- ✓ The policy, where appropriate and necessary, respects confidentiality.
- ✓ The policy provides a process that addresses all issues raised within the complaint.
- ✓ The policy provides a process for effective responses and appropriate redress, where appropriate.
- ✓ The policy provides details to signpost complainants to the school's SLT.

For federation schools, the federation's Governing Body must ensure a written complaints procedure is published on each of the member school's websites.

If a school does not have a website, its complaints procedure must be published on the appropriate organisation's website, e.g. diocese, or federation.

Academies are required to make available, on request, a written procedure for dealing with complaints – it is recommended in the 'Governance handbook' that this is published on the school website. The ESFA guidance 'Creating an academy complaints procedure' states that an academy's complaints procedure must comprise at least three stages:

- ✓ An informal stage – usually a meeting with the complainant
- ✓ A formal stage – where the complaint is put in writing
- ✓ Provision for a panel hearing

Complaints made against the head teacher in a maintained school should be responded to, and investigated by, the Governing Body. The Governing Body is also responsible for establishing a Complaint Appeal Panel (CAP) when previous stages of the Complaints Procedures Policy have been exhausted by the complainant and they remain dissatisfied with either the outcome or process undertaken.



The School Complaints Procedures Policy

The Complaints Procedures Policy should include:

- Confirmation of what the school considers to be a complaint and what is considered to be a concern.
- Confirmation that a complaint can be made by anyone regarding the provision or facilities of the school.
- Signposts to the complaints process for procedures that have separate statutory procedures, e.g. admissions and exclusions.
- Details of how a complaint can be raised.
- Who to contact regarding a complaint about the head teacher.
- Who to contact regarding a complaint about the Governing Body.
- Details of how a complaint will be recorded.
- Timescales in which a complaint will be responded to.
- Details of the separate stages of the complaint process.
- Confirmation of the right for the complainant to request an independent review panel be convened and the circumstances in which this will be considered e.g. concerns about the impartiality of the review panel.
- How the school will respond to serial or persistent complainants.
- The procedure for an appeal, including the Governing Body review process.
- Information on the role of the school's complaint unit.
- Responsibilities and a timescale for reviewing the policy.

It is the responsibility of the Governing Body to determine the timescale for reviewing the Complaints Procedures Policy; the DfE recommends that an appropriate review period is every two to three years. The policy does not need to be reviewed by the full Governing Body, which can choose to delegate the review to a committee, individual governor or the head teacher.

Complaints against the Head Teacher

The Complaints Procedures Policy should explain how a complainant can raise a complaint against the head teacher. It is recommended that complaints against the head teacher are, in the first instance, submitted to the chair of governors via the clerk to governors.

A complaint can be made in writing, by email, in person or by telephone, and to ensure equality, all routes should be accepted within the school policy. Any information provided by the complainant may only be shared with a third party if the complainant has given their written consent.

On receipt of the complaint, the chair of governors should respond to the complainant to acknowledge receipt of the complaint, identify who will be responsible for responding to the complainant and explain the timescale in which the complaint will be considered. It is recommended that this acknowledgment is sent via email or post to secure an audit trail for the complaint process. The complainant should be informed of the process for escalating their complaint at each stage of the Complaints Procedures Policy.

The chair of governors is usually the most appropriate person to respond to a complaint against the head teacher; however, if they have had any previous discussion with the head teacher regarding the pupil or issue the complaint relates to, in respect of a fair and impartial investigation, they would be considered to be tainted and must remove themselves from the process. In this circumstance,



the chair of governors should delegate the complaint investigation and response to another governor who has no prior knowledge of the issue, e.g. the vice chair of governors.

The response to a complaint against the head teacher should follow the Complaints Procedure Policy; this will usually include an initial stage where an informal meeting is held between the complainant, the head teacher and the governor responding to the complaint. The purpose of this meeting is to fully establish the circumstances of the complaint and attempt to resolve the issues raised. It is permissible for this stage to remain informal, but if the complainant wishes to escalate the complaint to follow the complaints policy's formal procedure, they must be provided this opportunity.

Investigating a Complaint

The complaint investigation should be considered as an exercise to explore and determine the facts of a situation. It should be undertaken fairly, objectively and within a defined process. If it is deemed necessary by the investigating officer or governor panel to deviate from the written complaint procedures at any point during the process, this decision should be recorded in full, with an explanation provided.

The Advisory, Conciliation and Arbitration Service (ACAS) suggests the following process for conducting investigations:

Preparation

The investigator should prepare by drafting a plan to identify:

- ✓ Who they may need to speak to as part of the investigation process, e.g. the class teacher, the parent or pupil.
- ✓ Information needed for review during the investigation, e.g. email correspondence, school policies.

The Investigation Meeting

An investigation meeting is the opportunity for the governor investigating the complaint to meet separately with relevant parties to ask questions and, where possible, establish facts. It is not part of a disciplinary process. The Complaints Procedure Policy should indicate that any party attending an investigation meeting has the right to be accompanied by a friend or family member for support.

The DfE's '[Best practice guidance for school complaints procedures 2019](#)' recommends that legal representation is avoided for either party. An exception to this would be, for example, if a member of school staff is called as a witness in a complaint investigation or hearing, they may then be entitled to union or legal representation.

There is no requirement for an investigation meeting to be independently clerked; however, the governor investigating the complaint may ask the clerk to governors to make notes during the meeting and provide regulatory advice. In the absence of a clerk, the school's complaints co-ordinator may take notes and prepare minutes of the meeting.

At the end of the meeting, these notes can be signed and kept as an accurate record of it taking place. In the absence of a complaints co-ordinator, the investigating governor can make notes during the meeting and ask the person attending to sign the notes at the end of the meeting. Any notes or meeting minutes should be protected and maintained in line with the school's Data Protection Policy.



If pupils are to be invited to an investigation meeting, parental consent must be granted for any pupil under the age of 18 and they should be given the opportunity to be accompanied by a friend, relative or staff member independent of the investigation. The meeting should be conducted with due sensitivity and consideration of the pupil's age and level of understanding.

The investigation report

The investigation report should summarise the investigation process and include:

- ✓ The name and role of the investigating governor.
- ✓ The date and timescale of the investigation.
- ✓ A summary of the complaint received.
- ✓ A summary of the investigation process undertaken.
- ✓ The evidence collected and considered.
- ✓ The details of any evidence requested but not produced or unavailable.
- ✓ The names of all people interviewed during the investigation meeting(s).
- ✓ The details of any anonymised statements submitted and considered
- ✓ A summary of the investigation findings, to include:
 - ✓ A summary of evidence collated during the investigation meeting(s).
 - ✓ The established facts based on evidence collated.
 - ✓ A summary of any mitigating circumstances or factors.
 - ✓ Any other information considered to be relevant.
- ✓ A concluding statement, including the investigator's decision to uphold, uphold in part or to dismiss the complaint
- ✓ Any recommendations arising from the investigation.
- ✓ Any further right of appeal.

The DfE's '[Best practice guidance for school complaints procedures 2019](#)' guidance suggests that the investigating officer should ensure that each decision made in response to a complaint is made in consideration of '***The 7 principles of public life***' which are:

- Selflessness:** Holders of public office should act solely in the public interest
- Integrity:** Holders of public office should not place themselves under external obligations that could influence their public duties
- Objectivity:** Holders of public office should make public appointments based on merit
- Accountability:** Holders of public office are accountable to the public for their actions
- Openness:** Holders of public office should be open in their decision making
- Honesty:** Holders of public office must declare any private interest that could impact on their public work
- Leadership:** Holders of public office should promote these principles through leading by example

and is:

- ✓ Lawful.



- ✓ Rational.
- ✓ Reasonable.
- ✓ Fair.
- ✓ Proportionate.

The investigation report should be shared with the complainant and the head teacher; with information given on the next stage of the complaint process should the complainant not be satisfied with the outcome of this stage. The information recorded within the investigation report should be protected and maintained in line with the school's Data Protection Policy.

The next stage of the process is for a Governing Body review to be convened to consider the complainant's appeal against the decision made by the investigating governor. It should be noted that, in the circumstance of a complaint made against the head teacher, some complaints procedures policies will not include the complaint investigation stage but will move straight from the informal meeting at stage one to the Governing Body review. Guidance is that the complaint investigation stage is completed in all cases, but that the Chair of Governors undertakes this role in relation to complaints concerning the Headteacher. Governing Bodies should always work within the current policy in place.

Governing Body Review

When a complainant is not satisfied with the outcome of the investigation stage, the next stage of the process is the Governing Body review.

In an academy, this panel must not only include governors. The ESFA's '[Creating an academy complaints procedure](#)' guidance states that an academy complaints policy must include provision to ensure that at least one member of the complaint review panel is independent of the management and running of an academy. Governors are not independent of the management and running of the academy, and so are not eligible to be independent panel members.

This meeting can either be convened in the event of a complaint against the head teacher or as part of the appeal process for a complaint that has exhausted all previous stages of the complaints procedure. Notice of the meeting must be given in writing to all parties and in line with the timescales documented in the Complaints Procedures Policy.

A Governing Body review involves at least three members forming a Complaint Appeal Panel (CAP). Governors who are members of the CAP must have no prior knowledge of the complaint and no conflict of interest, including financial interest, which may prevent them from acting with impartiality. A panel of a minimum of three members is recommended to ensure a decision can be made in the event of a split decision and a vote being required. The clerk to governors should be in attendance to take notes / minutes of the meeting.

The complainant has the right to request that an independent CAP hear the appeal if they have cause to believe that the panel is not impartial or cannot be objective. It is the responsibility of governors to decide to uphold or reject the request. If governors do allow for an independent panel to be convened, they may approach the LA, the diocese, governors from local schools or, in an academy, a trustee or director to provide members for the panel. It is acceptable to pay for the services of an independent chair for the meeting to ensure impartiality and objectivity on the panel.

During the Complaint Appeal Panel meeting it is usual for all parties to be present: each party should be given the opportunity to challenge the evidence presented. If the issues are sensitive or confrontational, a decision should be made about whether this is appropriate in any given case. At the end of the meeting, all parties should be given the opportunity to make a final statement.



If a witness is unable or unwilling to attend the Governing Body review meeting, their evidence can be presented in writing. In order to secure a fair process, the whole panel should seek to meet the witness. If this is not possible, then the panel should ensure they agree on questions in advance for the representative panel governor to relay and make certain that all meetings are noted.

Once the meeting has finished, the panel should retire to consider all of the evidence available to them. The clerk will remain present to provide procedural advice and guidance and administrative support. The panel will reach an agreement and agree on the wording of the outcome letter.

The complainant must not be informed of any disciplinary action taken against the head teacher or any other member of staff as a result of the complaint, but should be told that the matter is being addressed.

The outcome letter should also include any further right of appeal the complainant may have.

If the complainant has exhausted a **maintained** school's complaint procedure, they must be advised that they have the right to refer the complaint to the Secretary of State for Education using the DfE complaints form, or in writing to the address provided in the complaint outcome letter.

If a complainant has exhausted an **academy's** complaints procedure, then they must be advised that they can submit a complaint directly to the ESFA by completing the DfE's complaints form or in writing by post to the address provided in the complaint outcome letter.

Sharing Complaints with the Governing Body

Transparency in governance is important but, when it comes to managing and responding to complaints initially, the head teacher or chair of governors must only share details of complaints received with the rest of the Governing Body on a 'need-to-know' basis.

It is vital that governors remain impartial and untainted in case of any appeal arising and the need for a Complaint Appeal Panel (CAP) to be formed. Whilst governors may know that a complaint has been received and is being investigated, they should not be given any further details. If all governors are made aware of the nature of a complaint, an independent investigation into the complaint should be organised by the clerk to governors.

Once the complaint process has been completed, the Governing Body can be told that the process is complete and whether the complaint was dismissed or upheld.

Monitoring Complaints

Governors should have an oversight of the number of complaints the school receives and should expect to see details of the number of complaints received and investigated by the school and Governing Body. This can be included as a regular item within the head teacher's report to the full Governing Body. Governors can then ask questions and identify trends and establish how many complaints proceed to the appeal stage and the effectiveness of the Complaints Procedures Policy.

It is recommended the Governing Body undertake a monitoring visit to review the complaint log and use a resolved complaint as a case study to monitor practice in line with the school development plan.

Complaints against the Governing Body

The Governing Body should ensure that any complaint made against an individual governor, including the chair of governors, is made to the clerk to governors. The clerk should ensure that an impartial governor is appointed to investigate the complaint in line with the school complaints policy.



If a complaint is made against the whole Governing Body, the clerk may request that an independent governor from another school investigates the complaint. If the complaint reaches stage 4 of the school's complaints procedure, an independent panel made up of governors from schools with which the school has a Joint Hearings Panel agreement in place may be convened to hear the complaint.

If a complaint is made against the whole Governing Body then it is appropriate to inform all governors of the nature of the complaint. This will ensure a fair process and enable governors to be able to respond to the complaint investigation.

The Next Step

When a complaint has been resolved or the process exhausted, all paperwork related to the complaint should be stored by the head teacher or chair of governors in line with the school's Record Management Policy and in line with the school's Data Protection Policy. Any papers that are given to CAP members should be returned to the Clerk to Governors who will ensure they are securely disposed of.

Complaints made to Ofsted

Ofsted provides an online complaint form for anyone wishing to complain about a service or provider that it inspects or regulates.

Ofsted advises complainants they should initially raise any issues with the school by following the school's written complaint procedures and reserves the right to dismiss complaints which have not followed this process.

Ofsted will only consider complaints that relate to the whole school and will not consider any complaint which:

- ✓ Relates to an individual pupil or a specific incident
- ✓ Asks the inspectorate to judge how well a school has responded to a complaint
- ✓ Requests mediation or dispute resolution
- ✓ Has an alternative legal complaint process, e.g. complaints about pupil admissions

The 'Governance handbook' explains that Ofsted will use its powers to investigate a complaint received from a parent as part of its inspection decision-making process.

The Governing Body and senior leaders must provide Ofsted with any information requested for the purpose of the investigation and any other information that may be relevant to the complaint investigation.

If appropriate to the complaint investigation, Ofsted may arrange to meet with the complainant; representatives from the LA and Governing Body are also entitled to attend this meeting.

Depending on the outcome of the investigation, Ofsted may prepare a report following the conclusion of its investigation. If a report is received, the school must share this with the Governing Body who must ensure the report is sent to all registered parents of the school.



Appendix 6 - Where the Complaint is about the Actions of an Individual Governor

For complaints against the Chair of Governors, or any other individual governor, the Complainant should briefly outline the content of the complaint using the Complaint Form (see *Appendix 2*). The Complaint Form should be sent to the Clerk, via the school office.

The Clerk to Governors will acknowledge receipt of the complaint within **5** school days and initiate the process.

A suitable skilled governor will be appointed to complete all the actions at ***Stage 2 - Formal Complaint***.

The appropriate governor will consider the complaint and write to advise the complainant of the outcome within **10** school days. There will be no further internal right of appeal for complaints against individual governors.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body;

Stage 2 - Formal Complaint will be considered by an independent investigator appointed by the Governing Body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions **<School Name>** will take to resolve the complaint.

Where the Complainant is unhappy about the decision the Chair of Governors or Investigating Governor has made about their complaint, this does not become a complaint about the Chair of Governors / Investigating Governor, however, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the Governing Body via the school office within **5** school days of receipt of the ***Stage 2 - Formal Complaint*** response and requesting that a Stage 4 - Complaint Appeal Panel (CAP) is convened.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

A panel will be convened to complete all the actions at Stage 4 - Complaint Appeal Panel (CAP).

An experienced governor will convene the CAP meeting which will comprise of:

- **(Maintained schools)** Three members of the Governing Body.
- **(Academies)** Three people appointed by or on behalf of the Academy by the Clerk to the Governors. Two members may (but do not have to) be Governors. The third member will be independent of the management and running of the Academy, i.e. they will not be a member of staff or a Governor and will not be linked to the Academy in another way, for example as a parent of a student at the Academy.

The independent Complaint Panel member will be the Chair of the Complaint Panel



Appendix 7 - Governor Complaint Appeal Panel Meeting Process

Before the Complaint Appeal Panel Meeting

A copy of the agenda together with the complaint and all papers should be sent to the Complaint Appeal Panel members at least **5** school days before the meeting.

Each member must 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 panel, they should inform the Clerk immediately so that a substitute can be arranged.

Practical Arrangements

The tone of the meeting is often set by what happens when the complainant first arrives. 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 rooms for complainants and school representatives is 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?

The Meeting

A model agenda is attached in Appendix 9

The same rules apply as for other committee meetings of governors. 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.

Panel Chair's Role

During the meeting

- ✓ Take control of the meeting with confidence; use their judgement 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 as Chair you are acting impartially by treating all participants fairly.
- ✓ The complainant and the Head teacher (with their friends/advocates) should be invited into the room together and at the end of the meeting will be asked to leave together.
- ✓ At the discretion of the Chair witnesses should be invited to join the meeting when their input is required and to leave immediately afterwards.
- ✓ Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the panel members who should be invited in to speak to the committee and in what order; at no time should the complainant, Head teacher or a witness be able to talk to panel members without both the complainant and Head teacher being



present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.

- ✓ If witnesses are waiting, the Chair should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- ✓ Once the main participants have joined the meeting, explain the proceedings.
- ✓ Begin to hear the complaint, being firm about keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
- ✓ Bear in mind that all participants will be under stress; be fair and consistent in the treatment of all participants.

Explaining the proceedings

- ✓ Introduce the people around the table.
- ✓ Confirm that everyone has a copy of the agenda and explain the meeting will follow the agenda.
- ✓ Make it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- ✓ Explain that the format is to allow the complainant to speak without interruption and then the Head teacher and Panel Members will be given the opportunity to ask any questions to clarify any issues raised; then the Head teacher's response will be heard, again without interruption and there will be an opportunity for the Panel Members and the complainant to ask any questions about what has been said.
- ✓ Indicate any time limits to adhere to.

Concluding the discussion

- ✓ It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and head teacher should then be invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate
- ✓ Confirm the arrangements for the participants to receive the decision of the meeting.
- ✓ Write down the decision of the committee so this can be accurately recorded in the minutes.

At the end of the Complaint Appeal Panel Meeting

- ✓ The Chair will thank all parties for attending and advise that the Panel Members will now meet to review the evidence they have heard and read, and they will make their decision.
- ✓ Confirm that both parties will receive a decision letter within 3 school days.
- ✓ The chair will ask the Clerk to escort both parties out of the room, the complainant to reception and the school staff to the staff room / Head Teacher's office

The Decision Letter

- ✓ The Clerk to the Complaint Appeal Panel should send a copy of the decision letter to the complainant and head teacher.
- ✓ It is usual for all documents relating to a complaint to be kept confidential.



After the meeting

- ✓ The chair of the Complaint Appeal Panel meeting should receive a copy of the notes / minutes for confirmation and approval.



Appendix 8 - Model Complaint Appeal Panel Agenda

A Hearing by the Complaint Appeal Panel of <School Name> will be held at <Venue> on <day and date> at <time>

The order of business for the Complaint Appeal Panel meeting is set out below:

1. Introductions
2. The Chair to outline the procedure
3. <Name of complainant> to explain his/her complaint
4. The Head teacher and Complaint Appeal Panel Members to ask questions
5. Head teacher to explain the school's response
6. <Name of complainant> and Panel Members to ask questions
7. The Head teacher to make a statement in summary
8. <Name of complainant> to make a statement in summary
9. Summing up by the Chair
10. <Name of complainant> and Head teacher escorted from the meeting room
11. Except for the Panel Members and the Clerk everyone will leave the meeting room whilst the Complaint Appeal Panel Members consider their decision in private

Written notice of the decision will be sent to <Name of complainant> and the Head teacher within 3 school days of the meeting.

Enc: List all the enclosures to accompany the agenda e.g.:

- a) A copy of the school's complaints procedure
- b) A copy of the original complaint
- c) Copies of letters between <Name of complainant> and the school in connection with the complaint
- d) Copy of written submissions from <Name of complainant> and the Head teacher



Appendix 9 - Interviewing Best Practice Tips

Interviewing Children / Young People

- Children / young people should be interviewed in the presence of another member of staff, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents / carers. However, it may not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children / young people should be told what the interview is about and that they can have someone with them.

Interviewing Staff / Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it
- Staff are allowed a colleague to support them at their interview. The colleague must ensure the child / young person's best interests and should not be anyone likely to be interviewed themselves, including their line manager
- Use open, not leading questions
- Do not express opinions in words or attitude
- Ask single, not multiple questions, i.e. one question at a time
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator, head teacher, chair of governors the option of a meeting between the conflicting witnesses
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if he / she has anything to add and to sign the record as accurate.



Appendix 10 – Model Letters Index

11.1	Model Letter 1	Response to a concern where more than 3 months has passed since the incident that caused the complaint
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Model Letter 1 – Response to a concern where more than 3 months has passed since the incident that caused the complaint

Name of School

Telephone

Date

Dear

I am writing further to the letter received concerning your complaint **about / regarding xxxxxxxx**.

The school Complaints Policy makes clear that complaints should be made as soon as possible after an incident arises and no later than 3 months afterwards. Exceptions will be considered where there are valid reasons for not making a complaint at the time.

Having reviewed your complaint I can advise that given the time frame which has passed, your complaint will not be investigated by the school.

I have enclosed a copy of the school's Complaints Policy and Procedure for your information,

Yours sincerely,

Head teacher / Chair of Governors



Model Letter 2 – Response to send when complaint received is outside the scope of the complaints policy

Name of School

Telephone

Date

Dear

I am writing further to the letter received concerning your complaint **regarding / about xxxxxx.**

As stated in the School Complaints Policy, your complaint is outside the scope of the policy and procedures and there are separate procedures to deal with your complaint.

I have enclosed a copy of the school's Complaints Policy and Procedure which gives further information of who you should contact.

Yours sincerely,

Head teacher



Model Letter 3 – Acknowledgement of complaint received – stages 1 & 2

This letter can be sent at stages 1 & 2 of the complaints procedure, but must be sent within 5 school days of receipt of the complaint

Name of School

Telephone

Date

Dear

Re: Your complaint

I write to acknowledge receipt of your letter dated **xxxx** and write to let you know how your complaint will now be dealt with. Please be assured that our school takes all complaints very seriously and all complaints are investigated fully,

As **Head teacher / designated staff member (delete as appropriate)** I will now investigate your complaint. I would be very grateful if you could contact the school, within 5 school days, to arrange a time to meet with me to discuss your issues as raised in your letter.

I will do everything I can to resolve the issue and to this end it would be very helpful if you could be clear about what it is that would resolve the situation.

I will also be meeting with any other persons concerned with your complaint to ensure I understand all of the issues raised.

After I have met with you and other relevant people, I will write to you outlining the following:

- Your complaint with each item specified
- The resolution to each item
- Details of what you can do next if you are not satisfied with the outcome of the investigation.

This will be completed within **xxx** school days.

I look forward to hearing from you shortly.

Yours sincerely,

Head teacher / designated staff member (Delete as appropriate)



Model Letter 4 – Response to complainant by Head teacher

Name of School

Telephone

Date

Dear

Further to our meeting on (xxxx) **OR** further to your letter dated (xxx). I have now had the opportunity to investigate your concerns and am able to report the following:

(Insert a summary or list of complaints raised, investigations and outcomes – if necessary, where there are a number of complaints, list them. The outcomes could be any of the following:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur)

I hope that you are satisfied that your concerns have been dealt with appropriately. However, if you are dissatisfied with the outcome please contact me to discuss the matter further or write to the Clerk of the Governing Body to request the complaint is investigated at the second stage (either by letter or using the form provided in the Complaints Policy) as soon as possible,

Should you require any further details please contact the school office.

Yours sincerely,

Head teacher



Model Letter 5 – Response letter following investigation

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

Thank you for meeting with <Name> investigator / governor to support the investigation into your complaint(s) regarding xxx at <school name> under Stage 2 of the schools Complaints Policy and Procedure.

<Name> has considered your complaint and I am writing to you to inform you of the outcome.

Complaint:

- Summarise the complaint and the investigator's findings evidencing these from the evidence provided
- Include whether the complaint is upheld or not upheld or partially upheld
- Include any recommendations the investigator is making

Next Steps:

Should you remain dissatisfied with the outcome of the investigation of your Stage 2 complaint you should write to the Clerk to the Governing Body <Name> at <email > within xx school days of the date of this letter, setting out how the outcome of the stage 2 process did not resolve your complaint satisfactorily.

I have enclosed a copy of the schools Complaints Policy and Procedure for information.

Yours sincerely,

Clerk to the Governing Body – *this letter could be sent from the Investigator or the Clerk*



Model Letter 6 – Acknowledgement of Stage 3 complaint received

An example of a letter that may be sent to the complainant, upon receipt of a complaint at stage 3

Name of School

Telephone

Date

Dear

Thank you for your letter dated xxx setting out the reasons why you are not satisfied with the **xxxx** response to your complaint about **xxxxx**.

If the reasons why the complaint hasn't been resolved at stage 2 aren't clear or it isn't clear what outcome the complainant is seeking, the following paragraph can be used:

I would be grateful if you could confirm the following information:

- The nature of your complaint and how the previous stage did not address your complaint sufficiently *
- Any evidence appropriate to your complaint *
- What outcome you would like to see *

** Delete as appropriate*

I am writing to let you know that I will be arranging for a Complaint Appeal Panel (CAP) to consider your complaint, in accordance with our school's Complaint Procedure.

As explained in the procedure, the **xxx** of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Clerk to the Governing Body



Model Letter 7 – Letter inviting complainant to a Governing Body CAP Meeting

Name of School

Telephone

Date

Dear

Your Complaint

I write to acknowledge receipt of your letter of (insert date) and write to let you know how your appeal will now be dealt with.

A hearing by the Complaint Appeals Panel will be held within (insert number) school working days from the receipt of your request for an appeal i.e. by (insert date).

The panel is made up of 3 governors who have no prior knowledge of the details of the complaint. The role of the panel is to consider your complaint and the action taken to address the complaint to date, together with any information that you and the Head teacher (*or Chair of Governors or designated member of staff/governor as appropriate*) wishes to put forward.

The Panel will then consider in private all the information presented to it and arrive at its decision. The Panel has the authority to:

- dismiss the appeal in whole or in part;
- uphold the appeal in whole or in part;
- decide on any appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

You will be notified in writing of the decision of the panel within (insert date) school days of the meeting.

I will be acting as clerk to the panel and it is my responsibility to make all the necessary arrangements for the meeting and to take the notes of the meeting and offer procedural guidance only. Any correspondence that you may wish to submit to the panel should be sent to me at the address shown at the head of this letter. This will be shared with the panel and (insert the person attending the panel on behalf of the school)

Optional paragraph – I currently work part-time and therefore your correspondence will be answered at the earliest opportunity. I will answer any procedural matters but cannot comment on the complaint.

You are entitled to attend the meeting and to present your appeal and you may be accompanied by a friend who may speak on your behalf if you so wish. You or your friend may also submit, in advance, written representations. These will be circulated to the panel and to the Head teacher and must therefore be sent to me to arrive not less than 10 school working days prior to the meeting. If the Head teacher similarly submits any written representations, then you will be provided with a copy in advance of the meeting.



I will contact you again soon to discuss the date, time and venue for the meeting but in the meantime if you have any questions in connection with this matter please do not hesitate to contact me. Please let me know if you have any specific requirements for the meeting e.g. hearing loop, disabled access etc.

For your information the panel members are:

- 1.
- 2.
- 3.

Please do **not** contact these members as they will not respond to any correspondence or read any items you send them directly as all enclosures will be circulated by the clerk. This is to ensure that they can act fairly and without prejudice at the hearing.

Yours sincerely

Clerk to the Complaint Appeals Panel of (name of school) Governing Body



Model Letter 8 – Proposed agenda for CAP Meeting

A Hearing by the Complaint Appeal Panel of <School Name> will be held at <Venue> on <day and date> at <time>

The order of business for the Complaint Appeal Panel meeting is set out below:

1. Introductions
2. The Chair to outline the procedure
3. <Name of complainant> to explain his/her complaint
4. The Head teacher and Complaint Appeal Panel Members to ask questions
5. Head teacher to explain the school's response
6. <Name of complainant> and Panel Members to ask questions
7. The Head teacher to make a statement in summary
8. <Name of complainant> to make a statement in summary
9. Summing up by the Chair
10. <Name of complainant> and Head teacher escorted from the meeting room
11. Except for the Panel Members and the Clerk everyone will leave the meeting room whilst the Complaint Appeal Panel Members consider their decision in private

Written notice of the decision will be sent to <Name of complainant> and the Head teacher within 3 school days of the meeting.

Enc: List all of the enclosures to accompany the agenda e.g.:

- a) A copy of the school's complaints procedure
- b) A copy of the original complaint
- c) Copies of letters between <Name of complainant> and the school in connection with the complaint
- d) Copy of written submissions from <Name of complainant> and the Head teacher



Model Template Pack – Template for Pack to be sent to all parties

Governing Body Complaint Appeal Panel Meeting

1	Letter to <Complainant(s)> dated <date>, advising for date for Complaint Appeal Panel Meeting
2	Complaint Appeal Panel Meeting Agenda
3	<School Name> School's Complaints Policy and Procedure
4	Request for Governing Body Complaint Appeal Panel
5	Information regarding complaint from <Complainants> <ul style="list-style-type: none">• Item 1• Item 2•
6	Information regarding complaint from <School Name> <ul style="list-style-type: none">• Item 1• Item 2•



Model Letter 9 – Complaint Appeal Panel Outcome Letter

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

Re: Governing Body Complaint Appeal Panel Outcome

First of all I would like to take the time to thank you for attending the Appeals Panel on <date> and providing information regarding your complaint to the appeals panel, I appreciate that this was a sensitive matter for you to discuss and I am grateful that you did so that we were able to carry out a fully informed investigation.

Within this meeting, you confirmed that there were <number> allegations which formed your formal complaint, these were:

(Insert here a full list of allegations the complainant raised, these should be written clearly so that there is no ambiguity over what was said and the issues the complainant raised.)

The Complaint Appeal Panel considered the following information:

- Your statement to the panel
- The statement made from name of school staff and their role
- The complaint investigation report
- The complaint outcome report
- The responses to questions

We also requested the following additional information:

(Insert a list of any additional information you requested from the complainant).

After taking all the information and evidence into account, the panel have drawn the following conclusions:

(Outline the conclusions of the appeals meeting, including how the panel reached each decision, why they reached the decision and any following action to be taken as a result of the panel hearing – each allegation should be addressed individually).

Based on the information outlined above, your complaint **has / has not / has partially** been upheld. I appreciate this experience may have caused you distress and frustration and I hope the information provided explains clearly to you why we have come to this conclusion. I am confident that, moving forward, all parties will be able to gain value from this experience and work collaboratively in the future.

We reached this decision fully in line with the Complaints Policy and Procedure, and all stages of the policy have been completed.



(Maintained schools only) if, however, you are unsatisfied with this resolution, you are entitled to appeal this decision to the Secretary of State for Education in writing to:

Ministerial and Public Communications Division
DFE
Piccadilly Gate
Store Street
Manchester
M1 2WD

You can also use the “contact the Department for Education” freedom of information form. The form will allow you to discuss the process you have already gone through and why you are dissatisfied.

(Academies only) If however, you are unsatisfied with this resolution, you are entitled to appeal this decision to the Education and Skills Funding Agency (ESFA) in writing to:

Ministerial and Public Communications Division
DFE
Piccadilly Gate
Store Street
Manchester
M1 2WD

You can also use the “contact the Department for Education” freedom of information form. The form will allow you to discuss the process you have already gone through and why you are dissatisfied.

If you would like to appeal the decision, you have xx school days to do so.

If you have any more questions regarding the details of this letter, please feel free to contact me on **<email address>**.

Yours sincerely,

Chair of the CAP of **<School Name>**



Model Letter 10 – Decision letter – upholding complaint

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

First of all I would like to take the time to thank you for attending the Appeals Panel on <date> and providing information regarding your complaint to the appeals panel, I appreciate that this was a sensitive matter for you to discuss and I am grateful that you did so that we were able to carry out a fully informed investigation.

The panel after carefully considering all the information presented has decided to uphold your complaint for the following reasons:

Set out reasons e.g.

- a) It is recognised that an error had occurred at the early stage of the matter the subject of your complaint and that this error had not been identified or action taken to correct it.
- b) Because the error was not identified you had to pay twice for the music lessons;

The Panel has determined that the following action should be taken to address your complaint:

Set out redress offered e.g.

- a) The head teacher and the panel offer an unreserved apology to you for the distress caused by the failure to properly address the original error,
- b) A refund of the overpaid music lessons fee will be made to you as soon as possible,
- c) Measures have now been put in place to prevent any further similar errors occurring.

The Panel hopes that this now brings this matter to a conclusion and thanks you for the professional and courteous way in which you dealt with the matter at the hearing.

The hearing of your complaint by the Panel ends the formal procedures set out in the school's Complaints Policy and Procedure.

(Maintained schools only)

However, if you remain dissatisfied you are entitled to appeal this decision to the Secretary of State for Education in writing to:

Ministerial and Public Communications Division



DFE
Piccadilly Gate
Store Street
Manchester
M1 2WD

You can also use the “contact the Department for Education” freedom of information form. The form will allow you to discuss the process you have already gone through and why you are dissatisfied.

(Academies only) If however, you are unsatisfied with this resolution, you are entitled to appeal this decision to the Education and Skills Funding Agency (ESFA) in writing to:

Ministerial and Public Communications Division
DFE
Piccadilly Gate
Store Street
Manchester
M1 2WD

Yours sincerely,

Chair of the CAP of <School Name>



Model Letter 11 – Decision letter – rejecting complaint

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

First of all I would like to take the time to thank you for attending the Appeals Panel on <date> and providing information regarding your complaint to the appeals panel, I appreciate that this was a sensitive matter for you to discuss and I am grateful that you did so that we were able to carry out a fully informed investigation.

The panel after carefully considering all the information presented has decided that no further action should be taken on your complaint for the following reasons:

Set out reasons e.g.

- a) It is recognised that an error had occurred at the early stage of the matter, the subject of your complaint. Whilst this was regrettable it is the view of the panel, that the early action taken by the Head teacher to correct the error once it was discovered was enough to correct the situation.
- b) Because action was taken early there was no evidence to demonstrate that you had suffered materially as a consequence:
- c) The Head teacher has already apologised to you both verbally and in writing for the error.

The hearing of your complaint by the Panel ends the formal procedures set out in the school's Complaints Policy and Procedure.

(Maintained schools only)

However, if you remain dissatisfied you are entitled to appeal this decision to the Secretary of State for Education in writing to:

Ministerial and Public Communications Division
DFE
Piccadilly Gate
Store Street
Manchester
M1 2WD

You can also use the "contact the Department for Education" freedom of information form. The form will allow you to discuss the process you have already gone through and why you are dissatisfied.

(Academies only) If however, you are unsatisfied with this resolution, you are entitled to appeal this decision to the Education and Skills Funding Agency (ESFA) in writing to:



Ministerial and Public Communications Division
DFE
Piccadilly Gate
Store Street
Manchester
M1 2WD

Yours sincerely,

Chair of the CAP of <School Name>



Model Letter 12 – Banning Warning Letter

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

I am writing to you about your conduct on <date and time>

<Add summary of the incident and of its effect on staff, pupils, other parents>

I must inform you that the School will not tolerate conduct of this nature on its premises and will act to defend its staff and <children / pupils / staff>. On behalf of the Governing Body I am therefore issuing a formal warning to you, and if this behaviour is repeated, I will have no alternative but to ban you from the premises in line with Section 206 of the Education Act 2002.

In order for us to re-establish good working relationships, I would therefore ask you to contact me at the school to arrange a meeting in order to agree next steps.

Yours sincerely,

Head teacher



Model Letter 13 – Initial Banning Letter

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

I am writing to you about your conduct on <date and time>

<Add summary of the incident and of its effect on staff, pupils, other parents>

I must inform you that the School will not tolerate conduct of this nature on its premises and will act to defend its staff and <children / pupils / staff>. On behalf of the Governing Body I am therefore instructing that (for a temporary period – make this proportionate, this should be a cooling off period not a punishment) you are not to reappear on the premises of the school.

If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 206 of the Education Act 2002. If convicted under this section, you are liable for a fine.

In the case of a primary school include: For the duration of this decision you may bring your son(s) / daughter(s) (complete as appropriate) to school and collect them / him / her (delete as appropriate) at the end of the school day, but you must not go beyond the school gate.

In the case of infant children, also insert: Arrangements have been made for your son(s) / daughter(s) (insert child/rens names) to be collected and returned to you, at the school gate by a member of the school staff.

The withdrawal of permission for you to enter the school premises takes effect immediately. However, I still need to decide whether it is appropriate to confirm this decision and before I do so I would like to give you an opportunity to give me in writing any comments or observations of your own in relation to this letter. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make within 5 school days.

If on receipt of your comments I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours sincerely,

Head teacher



Model Letter 14 – Revoking the ban

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

I am writing to you about your conduct on <date and time>

<Add summary of the incident and of its effect on staff, pupils, other parents>

Following your communication with me regarding the circumstances of the above behaviour, in this instance I have decided to revoke the ban that was imposed on **date**. Therefore, on behalf of the Governing Body, I would like to invite you to meet **with myself and / named governor** to agree how we move forward to ensure that we establish clear expectations and lines of communication between home and school, so that this incident is not repeated.

Please contact me at the school to arrange a meeting.

May I reassure you of our continued commitment to provide the very best education for your child / children.

Yours sincerely,

Head teacher



Model Letter 15 – Endorsing the ban

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

I am writing to you about your conduct on <date and time>

<Add summary of the incident and of its effect on staff, pupils, other parents>

I must inform you that the school will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. On behalf of the Governing Body I am therefore instructing that you are not to reappear on the premises of the school. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 206 of the Education Act 2002. If convicted, you are liable to a fine.

This decision will be reviewed on (set a date that is proportionate to the incident) and I will be in contact with you within one working week of this date to discuss the outcome of the review.

May I reassure you of our continued commitment to provide the very best education for your child / children and I hope that after this cooling – off period; we can agree further arrangements which will enable us to re-establish a good working relationship.

Yours sincerely,

Head teacher



Model Letter 16 – Serial and persistent complaints

Name of School

Telephone

Date

PRIVATE and CONFIDENTIAL

Dear

I am writing further to your letter dated <date> concerning your complaint (insert details of complaint).

Having considered your letter I am advising you that the issues raised have been fully investigated through the school's complaints policy. As such I am advising you that the procedure has been completed and the school considers that the matter is now closed. Should you choose to contact the school again in connection with these issues, the complaint will be viewed as serial and persistent and the school will choose not to respond to these matters.

As previously advised, if you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

Your sincerely,

Chair of Governors



