



COMPLAINTS POLICY

At Mersey Vale Primary School, we are committed to ensuring equality of education and opportunity for all irrespective of race, gender, ability, religion, socio-economic factors and disability. The achievement of all pupils is monitored and we use this data to raise standards and ensure inclusive teaching and learning.

We aim to provide our pupils with a firm foundation which will enable them to fulfil their potential. We seek to eliminate unlawful discrimination. At Mersey Vale we believe that diversity and inclusion are strengths, which should be respected and celebrated by all those who learn, teach and visit here.

BASED ON MODEL STOCKPORT LOCAL AUTHORITY COMPLAINTS RESOLUTION PROCEDURE AND GUIDANCE DOCUMENT (SCHOOLS)

CONTENTS:	PAGE:
Complaints Overview	4
Prevention / Early Intervention	5
Investigating Complaints	6
Difficult Complaints	7
The Complaints Procedure	9
STAGE 1: INFORMAL RESOLUTION – TO THE SCHOOL	10
Headteacher Involvement	11
Local Authority (LA) Involvement	12
STAGE 2: CHAIR OF GOVERNING BODY OR LA	12
Chair of Governors Involvement	13
Local Authority (LA) Involvement	14
STAGE 3: APPEALS TO THE GOVERNING BODY COMPLAINTS PANEL	14
Reconsideration	15

Review	15
STAGE 4: APPEAL TO THE LA – PROCESS	17
Secretary of State	17
Local Government Ombudsman	17
Withdrawal of Complaints	18
Complaint letter from a Solicitor	18
Publishing a Complaints Procedure	18
Suggested elements of a school’s published complaints procedure	18
Complaints Register	20
Annexe 1: Complaints Panel Proceedings Flowchart: Staged Approach to Handling Complaints	21
Annexe 2: Complaints against the Headteacher Flowchart: Complaints against Headteacher	28
Annexe 3: Complaints against the Chair of the Governing Body Flowchart: Complaints against the Chair of the Governing Body	32
Annexe 4: Helpful Contacts	34

COMPLAINTS OVERVIEW

This document has been produced to assist headteachers, school staff, Local Authority (LA) staff, and governors in the resolution of complaints. Summary guidance to parents will be available from the LA. Following approval by the Governing Body (GB), schools’ procedures should be publicised in the school prospectus and made widely known to parents.

The Education Act 2002 Section 29 (1) (a) and (b) requires governing bodies to have in place, and publish a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. It is recommended the governing body also ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, even if it is hiring it out for a wedding reception, have their own complaints procedure in place. Under Section 29 (2), governing bodies should have regard to any guidance from the Secretary of State.

The vast majority of concerns are dealt with immediately, satisfactorily and at an informal stage. Schools encourage this through their own individual ethos and effective communication systems. However, occasionally things can go wrong and it is not always possible to predict how a minor concern can escalate into a major, stressful and time-consuming complaint. An efficient and accessible complaints procedure will help ensure that all parties are aware of, and have confidence in, a clear process and channel of communication.

This guidance helps clarify governors' powers and the LA's role when responding to parental complaints and covers the underlying principles of a good procedure, and staged approach to managing general complaints. It also offers advice on handling difficult complaints.

Throughout the document, the complainant is referred to as the 'parent'; this includes carers. It also includes a range of people such as community facility users, neighbours, students and visitors.

There are certain complaints which fall outside the remit of the GB's complaints procedure and, therefore, this guidance does not cover complaints about the following issues, for which there are specific statutory regulations and LA appeal mechanisms:

- the LA's decisions on special educational needs and disability (SEND) assessments and school placements
- school admissions and transfers
- exclusions
- employment.

The following are also outside the scope of these procedures:

- staff disciplinary issues
- financial impropriety or other criminal activity
- alleged child abuse; in this case action must follow Stockport's Guidance through the designated teacher for child protection in the school.

NB: Complaints concerning the conduct of a Council Officer, fall within the remit of the Corporate Complaints Procedure and should be addressed to Andrew Webb, Corporate Director, Children and Young People's Directorate.

During the past few years there has been a marked rise in the overall number of complaints received by schools and LA's. Parents use a variety of routes to voice their concerns: they may have raised an issue through the school and felt they have been ignored or that their complaint was not treated seriously. They may, due to personal experiences, have little faith in a school's authority. In these and other such circumstances, complaints can also come through from the LA, Advice Centres, Solicitors, Press or Elected Members / MP's.

The complaint, in the main, should be dealt with by the school, with the emphasis on early intervention and resolution through partnership working. This process promotes the engagement and involvement of all parties, where required, and will help further reduce any anxiety and frustration experienced by either parents or schools. It will continue to reduce the costs incurred during the formal stages of the process in relation to people's time and energy.

PREVENTION / EARLY INTERVENTION

By far the best method of dealing with parental concerns is prevention and early intervention. As with many organisations the core of many parental complaints is the perception that the school, chair of governors or LA has failed to communicate effectively or, that the concern has not been treated seriously.

The vast majority of concerns and complaints can and are resolved informally through the class teacher or office staff, headteacher or LA depending on whom the parent first approaches. Parents must feel able to raise concerns with members of staff without any formality.

Delay in responding to a parent can be costly in a variety of ways. The larger the school the more careful governors should be to ensure clear guidelines and training are given to staff, routes of communication are clear for messages, letter responses, meetings and feedback to senior management, should this be required, in order to track progress on a complaint. In an increasingly litigious society, recording and reporting systems also need to be regularly reviewed for their effectiveness.

Governing bodies regularly review policies and procedures and are encouraged to further develop their systems in other areas, including: training for all staff, tightening reporting and recording procedures, informing parents about school policies and practices and, on the best ways in which to raise concerns and identify designated staff that parents can approach when the headteacher is not involved.

These issues contribute to the expectations identified in the new Ofsted judgements in relation to greater parental involvement. This is particularly important in secondary schools, where parents can be unfamiliar with the staffing structure and designated responsibilities of the senior management team. It is important that parents are made aware of the complaints protocol regarding who to approach in the first instance and the stage at which, for instance, they can expect involvement from the headteacher.

INVESTIGATING COMPLAINTS

It is suggested that at each stage, the person investigating the complaint makes sure that they:

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

At each stage in the procedure, schools should consider ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Handling complaints effectively will ensure parents feel confident that staff will respond to any future complaint in a sensitive, non-defensive and sympathetic manner. Parents need to feel assured of confidentiality and that their child will not be adversely affected, which is a common misconception.

Schools may consider designating a specific member of staff or governor to co-ordinate any concerns that have developed into complaints. The co-ordinator could advise on the process, keep track of developments and keep the complainant informed of progress.

NB: An individual governor should not respond to, or investigate a complaint, unless designated to do so.

When a parent approaches a member of staff about a concern it is good practice to:

- listen sympathetically without comment: a categorical denial at this stage can escalate matters and make the parent feel they are wasting their time
- explain the procedures; that is, what will happen next and who will deal with the issue
- offer to help complete a complaints form if the school has one and if the help is appropriate.

The appropriate member of staff may need to create a file and record the relevant details. It is advisable to keep records in the file of any meetings or conversations, with a chronological record of events. This would include a telephone conversation and any e-mail communications.

It is particularly helpful to establish the desired outcomes at an early stage. Responses might include an apology, a review of a decision, an explanation, an assurance that the incident will not be repeated, a meeting with a member of staff or an official investigation.

If a complaint is complex and lengthy, the school should keep parents informed of progress either by telephone or letter.

At the conclusion, the complainant should receive:

- a specific response that answers the main aspects of their concerns, rather than a standard reply
- feedback on any outcomes such as an improvement in service, an agreement to review or amend a policy or, an explanation as to why the actions of the school did / did not comply with LA or school policy
- advice on any further recourse through the chair of governors or, the telephone number of the LA's complaints officer.

DIFFICULT COMPLAINTS

Vexatious complaints

In rare circumstances a complainant might, having exhausted the complaints procedure, persist with the complaint.

Complaints become vexatious when they are:

- repeatedly and obsessively pursued; or
- unreasonable or seeking unrealistic outcomes; or
- reasonable but pursued in an unreasonable manner, i.e., continually adding elements to previous concerns after the first aspects are addressed.

Governors may need to decide whether all future contacts should be:

- directed to, and only be dealt with by, a named individual, i.e., the headteacher
- restricted, for example, to letter only, or
- referred to the LA

If a conclusion has been reached about a complaint but the complainant continues to pursue it, the school may wish to consider writing:

- to reiterate that the matter is concluded and there will be no further correspondence
- to say that, if correspondence continues, it will be read and filed but will receive no acknowledgement
- to give a short response referring to previous documents that have already dealt with the matter.

Abusive complaints

Verbal aggression can be as intimidating as physical aggression. All parties have a right to be treated courteously and with respect. If staff feel threatened, they should report their fears to the headteacher who will consider:

- writing to the complainant requesting that the behaviour cease (generic letters are available in the Headteacher's Toolkit)
- setting restrictions for further contact with staff
- reporting the incident to the LA.

If a telephone caller becomes aggressive or offensive, the person taking the call should explain that they will end the call if the behaviour persists. If they need to hang up, they should record this action and any further incidents.

Schools should seek further advice from the LA

Anonymous complaints

Generally, schools should not respond to anonymous complaints. Nevertheless, the headteacher or chair of governors will need to consider whether:

- the issue and the fear of identification are genuine
- the issue is one of child protection.

THE COMPLAINTS PROCEDURE

It is important to protect the rights of all parties and it is strongly recommended this staged procedure be adhered to. Therefore, within this process, should any parent report a complaint to the chair of governors, individual governor or the LA (Complaints Resolution Service) the parent will always be directed in the first instance to the school for the matter to be considered by the teacher / headteacher. Governors and headteachers should judge each complaint on its merits and use their discretion as to what action to take. For whatever reason, should the parent not wish to discuss the matter with the school and contact the LA, the LA will liaise with the headteacher / chairperson and parent, forthwith, as to the best method of response and resolution to the concern.

NB: In the case of complaints relating to Voluntary Aided Schools: the LA, in discussion with the headteacher / chairperson, as appropriate, will determine whether the matter requires the involvement of the appropriate diocesan authority. This would be more relevant in relation to complaints against the headteacher or, chairperson.

This guidance highlights the importance of the preliminary informal stages but describes a progressively more formal process to address unresolved concerns. It should help parents feel confident that their concerns will be dealt with as quickly and effectively as possible.

The following recommended stages are sequential and, therefore, **it would not be appropriate for any stage to be omitted unless in exceptional circumstances and, with the agreement of all parties.**

There are four stages to the procedure, two informal and two formal –

INFORMAL RESOLUTION STAGE

Stage 1- TO THE SCHOOL

Stage 2- CHAIR OF GOVERNORS OR LOCAL AUTHORITY

FORMAL APPEALS STAGE

Stage 3- APPEAL TO GOVERNING BODY

Stage 4- APPEAL TO THE LOCAL AUTHORITY - PROCESS

NB – following this the parent, should they remain dissatisfied, can process their complaint to either the Secretary of State, or Local Government Ombudsman.

As parents can choose their preferred point of entry into this process (direct to school, the LA or, through the Diocese, Councillors, Press or even c.c. to all parties) it is crucial to clarify the nature of their concerns and to route this through the above procedure starting with the school.

NB: See Appendix 5 – “Staged Approach to Handling Complaints”

STAGE 1 – INFORMAL RESOLUTION- TO THE SCHOOL

We advise schools to place great emphasis on this informal approach, to achieve a satisfactory resolution for all parties at the earliest opportunity. Effective communication systems and complaint-handling strategies will help in this.

Schools and the LA receive a variety of concerns, many of which are resolved simply by relaying information and answering queries.

Parents should be encouraged to speak informally with the appropriate or designated member of staff, for example, the class teacher in the primary sector (In smaller schools or on certain issues, the headteacher may decide to deal with concerns directly at this stage) or, the form tutor, subject teacher or head of year in the secondary sector. This is usually the first step for a parental concern and due to the first hand information that the teacher has about the child / student; many concerns can be allayed at this point with effective communication and care. Schools should discuss what records are taken and retained at this stage in case there is a repetition of the incident or concern. Also parents should be informed in general school information, such as newsletters and prospectuses about the best method of approaching staff (i.e. time of day, whether by appointment, identified personnel).

The member of staff should clarify with the parent the nature of the concern, and reassure them that the school will take their concern seriously. Whilst an explanation as to how the situation occurred can be made, it is helpful to identify at this point what outcome the parent is looking for and the appropriate procedure to follow.

Depending on the nature and / or complexity of the complaint, it may be appropriate to advise the parent that an immediate solution may not be forthcoming and that, facts or information relating to the incident may have to be clarified before a response can be given.

If the member of staff first contacted cannot immediately deal with the matter, s/he should make a clear note of the date, name, contact address or phone number and a record of the nature of the parent's complaint and, if necessary, ensure it is referred to the appropriate member of staff. All school staff should know the procedure for referring a concern to the person with responsibility for the particular issue raised by the parent. It is also critical to ensure that, in the process of achieving resolution, the parent is not passed around a variety of staff. It is also highly recommended that schools consider a process by which complaints are logged and monitored. In this way staff can be apprised of any ongoing complaint / issue, or patterns that may help the school in any review of its policies and practices, or highlight any issue relating to the child or family.

The staff member dealing with the concern should make sure that the parent is clear of any agreed action (including monitoring of the situation); putting this in writing only if it seems the best way of making this clear.

In any case, a note should be made of the action and retained on file.

Parents should be given clear information about how to proceed and about any independent advice available to them.

If the parent remains dissatisfied the matter should be referred to the headteacher

HEADTEACHER INVOLVEMENT

Most concerns are dealt with informally to everyone's satisfaction. However, it is important that parents are made aware of the responsibilities of the headteacher and governing body in the complaints process and schools should consider including references to these in any information to parents.

Where a complaint is referred to or, dealt with by, the headteacher it is important that s/he clarifies the nature of the concern and ensures the complaint process remains the appropriate procedure to follow and that no other elements are involved, e.g., staff disciplinary, exclusion or safeguarding issues. Complaints reaching this level may have developed from their initial concern to involve other elements, including the staff who might have handled the concern up to that stage.

Where a written complaint is received the headteacher should acknowledge this in writing as soon as possible. An acknowledgement letter should confirm their understanding of the exact nature of the complaint itself; give a description of the complaints procedure and a target date for providing a response to the parent. Standard practice is to offer a full response within ten school days. If the complaint requires an in-depth investigation, the headteacher will need to acknowledge this and let the parent know that a full response will take longer than usual.

The Headteacher or designated person should take reasonable steps to interview those involved and any witnesses: recording any responses, which should be signed as agreed. If the complaint involves a pupil, or pupils, those identified either by the parent, or by school, should be interviewed by members of the school staff only. Under no circumstances should any complainant be allowed to approach pupils on school premises in order to question them. Pupils should preferably be interviewed with another member of staff present and in the case of a more serious complaint, in the presence of their parents.

The Headteacher may provide an opportunity to meet with the parent in order to supplement any information previously provided. It should be made clear that they can be accompanied to the meeting by

a friend, relative or representative and arrangements for any interpreting facilities should be made available where necessary. Headteachers may find it useful, following any meeting with parents, to summarise the main points in a follow-up letter. This may prevent any misunderstandings and ensure that all parties have a clear record of progress or agreements.

Schools should maintain written records of interviews, telephone conversations, and other documentation in order that they can be made available during any formal hearing, etc, at a later date.

The headteacher's written response to the parent should set out the results of any investigation and include details of the actions the school has taken to resolve the complaint. Parents should also be advised about the next step of the process and their choice to seek support for the resolution of the complaint either to the chair of the governing body or to the LA.

LOCAL AUTHORITY INVOLVEMENT

The majority of complaints made to the LA have already been through the initial school stage. However, in the event a complaint is received which has not allowed the school the opportunity to address the concern; the parent will be directed to the school. The headteacher will be informed of any concerns and given a copy of any documentation received for his / her attention or, a description of the exact nature of the complaint if made verbally.

In some cases, even during the school stage, the parent may seek assistance with the resolution of the complaint from the LA. If this is the case the LA will contact the headteacher and agree with all parties the best method to support the resolution of the matter.

Should the parent have previously contacted the school on the matter and the parent express continued dissatisfaction the LA officer will clarify the extent of contact between the parent and school and, following consultation with all relevant parties agree whether the matter will be treated within Stage 1 or 2 of the informal process.

STAGE 2: CHAIR OF GOVERNORS OR LOCAL AUTHORITY

If the parent remains dissatisfied with the school's response at stage 1, the complaint should progress to Stage 2. The headteacher in his / her response to the parent will have advised them of further avenues for resolution through, either the chair of governors or the LA, and any alternative methods for the representation of their complaint.

Preferably, parents should be asked to write to the chair of governors, via the school, who should forward the letter to the chairperson within three days. However, there may be occasions when, for a variety of reasons, parents are unable to put it in writing and in this event, schools should consider alternative ways to ensure the parent is afforded an opportunity to contact the chair in order to explain their concerns. It might be appropriate, for example, for the school to arrange a time when the chair will be in school or, to arrange for the chair to contact the parent. Whatever method is agreed it is very important to ensure governors' and staffs' contact details and addresses are kept confidential and that anyone contacting a complainant from any source other than the school takes secure steps to ensure that telephone calls / e-mail addresses, etc, cannot be "captured".

NB: Schools are reminded that under Data Protection all parties involved in a complaint can request sight of any / all communications, including electronic. Therefore, there should be no informal communiqués or messages containing "subjective" judgements about the ongoing complaint.

CHAIR OF GOVERNORS INVOLVEMENT

This stage offers a further opportunity for achieving conciliation between all parties. Informal discussions between the chairperson and the headteacher are key to resolving the complaint and agreeing a way forward. This could help prevent any further escalation of the disagreement. In addition the chairperson, at this stage, may also seek guidance and support from the LA.

The chairperson will need to decide who is responsible for dealing with the issues involved, and therefore what powers are available to governors with respect to the particular complaint. Are the issues related to responsibilities that:

- are delegated to the headteacher by the governing body; or,
- fall within the governing body's remit only; or,
- are within the headteacher's terms and conditions of employment and relate to the internal organisation, day-to-day management and control of the school?

For delegated responsibilities and matters within the governing body's remit, the chair may look at the whole issue afresh. If the matter relates to the headteacher's conduct, the chair will need to decide whether the matter should be dealt with through the complaints procedure or staff disciplinary procedure. Advice can be sought from the LA. (See Helpful Contacts appendix 7).

For matters that are the headteacher's responsibility, the chair of governors is only empowered to look at whether the headteacher's decision or action was reasonable in light of the information and guidance available at the time. Again, guidance on this can be sought from either the LA or the school's Governor Support Officer (GSO).

The timescales for acknowledging the complaint and making a response at this stage will be similar to those outlined for the headteacher. An acknowledgement letter should confirm their understanding of the exact nature of the complaint itself; give a description of the complaints procedure and a target date for providing a response to the parent. Standard practice is to offer a full response within ten school days. If the complaint requires an in-depth investigation, the chairperson will need to acknowledge this and let the parent know that a full response will take longer than usual.

The chairperson may provide an opportunity for the parent to meet him / her to supplement any information provided previously and it should be made clear to the parent that if s/he wishes, a friend, relative or representative, may accompany them to any meeting. Schools should make arrangements for any interpreting facilities to be made available where necessary.

The chairperson should take steps to investigate the complaint in light of any reports or correspondence from the school's previous involvement and discussions with the head, member(s) of staff involved and parent. Records should be kept of this process and any individual involvement in order that they can be made available should the matter be taken to the appeal stage.

The chairperson should then write to the parent, outlining the result of the investigation and what actions, if any, will be taken. It is highly recommended that, at this stage, parents are also advised of the powers of the complaints panel in relation to their particular complaint, and whether this involves a review or reconsideration of the matter and, of any other procedure that could affect the panel's powers to deal with the matter.

If the parent remains dissatisfied, then s/he has the right of appeal to the governing body's complaints panel.

LOCAL AUTHORITY INVOLVEMENT

If, at this stage, the parent or chair of governing body approaches the LA for resolution of their concerns the LA will work with all parties to help bring about a resolution to the matter. This would include the provision of advice and guidance, direct work with the parent and school (including support with written responses to parents, etc) and attendance at any arranged meeting or hearing (including support with any report to parents).

STAGE 3: APPEALS TO THE GOVERNING BODY COMPLAINTS PANEL

If following the above stages the parent remains dissatisfied, they can proceed to the formal appeal stage of the process.

Parents who wish to appeal to the governing body panel should be advised to request this in writing to the chairperson or, LA within a maximum of 15 school days of receipt of the response letter from the chairperson at stage 2 who, in turn, will inform the school's GSO. It is important to check, again, that the complaint is still of a general nature and not covered by other existing procedures.

The governing body's powers should be made clear to parents at stage 2 and re-emphasised at this point. The two forms of appeal would be dealt with as either **Reconsideration** or a **Review**.

Reconsideration: (considering afresh) when the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh. The panel may decide to write and ask the headteacher to give the matter further consideration.

Review: If the matter falls within the headteacher's decision-making remit by virtue of his or her terms and conditions of employment, then the panel will only have the power to review the decision: not to consider the matter afresh. It may look at whether the decision or action was unreasonable. An unreasonable decision might be one that is unfounded: a decision that a headteacher, properly aware of his or her duties and properly taking into account the facts of the case before him or her, would make.

The panel will need to consider the facts as they were known to the headteacher at the time and then consider whether the headteacher:

- i. failed to take account of a relevant consideration; and / or
- ii. took into account an irrelevant consideration; and / or
- iii. made an "unreasonable" decision in the light of the evidence available at the time.

If new evidence does come to light, the panel should refer it back to the headteacher, who may consider amending the decision in the light of that new information.

In deciding whether the headteacher's decision was unreasonable, the panel will need to judge whether the decision was one that, on the facts, was open to the headteacher to make; that is, within a reasonable range of responses in the light of the evidence available.

Within 5 school days of receipt of the request to proceed to stage 3, the GSO should write and inform the parent, headteacher, any relevant witnesses, and members of the panel of the date, time and place, of the meeting. The notification to the parent and headteacher should also inform him / her of the right to be accompanied to the meeting by a friend / interpreter. The letter should also explain how the meeting would be conducted and the parent's right to submit further written evidence to the panel, to be returned in sufficient time to enable it to be circulated to all parties at least 5 days prior to the hearing.

The GSO should arrange to convene the complaints panel, elected from members of the governing body (excluding Associate Members), and a chair and vice chair should be agreed. It may be necessary for the

governing body to appoint reserves to this panel to ensure that three governors are available at any one time to carry out their responsibilities within the set timescale.

The complaints panel members should agree a date for the hearing and the GSO should communicate this to the parent and headteacher.

The members of the complaints panel should be governors who have had no significant involvement with the complaint. This may include the chair if not previously involved.

The chair of the complaints panel should ensure that the complaint is heard within a maximum of 20 school days of receipt of the letter.

The GSO should also invite the headteacher to prepare a written report for the panel in response to the complaint. All concerned should receive any relevant documents including the headteacher's report and any witness statements taken (suitably anonymised) at least 5 school days prior to the meeting.

Meetings of this nature are highly confidential; as a result, it is the responsibility of the chair of the panel to ensure that notes of the meeting are taken by a person other than a member of the school staff directly involved with the complaint, or by any member of the panel. It is common practice for a LA officer to be present at appeal hearings and to take notes that will help the panel in its deliberations.

The aim of the meeting should be to resolve the complaint. However, it has to be acknowledged that sometimes it may only be possible to establish facts and make recommendations, which may satisfy the parent that their complaint has been given due consideration.

The panel should remember that parents may be unused to dealing with groups of people in formal situations and feel inhibited when speaking in such a setting. It is therefore recommended the chair of the panel ensures that the process and procedure are as comfortable and unimposing as possible.

Only in exceptional circumstances should any party introduce previously undisclosed information or witnesses. If this happens it may be in the interests of natural justice to adjourn the meeting so that all parties have time to consider and respond to any new information. The panel should also consider whether the additional material is appropriate to the case under consideration and not relating to matters other than the parents original concern, i.e., no fresh issues should be raised.

For more detailed guidance of the panel's proceedings please see Appendix I.

The panel must ensure that a report, signed by the chairperson is produced, outlining the decision(s) of the panel and the basis on which the decisions were made, and sent to the parent and headteacher within 15 school days of the meeting. It must also advise the parent that the appeal is the final stage of the school's complaints procedure and that, should s/he remain dissatisfied they have further right of appeal to the LA.

The school should ensure that copies of all correspondence and notes are kept in file in the school's records.

STAGE 4: APPEAL TO THE LOCAL AUTHORITY - PROCESS

For general complaints about a school, the LA has few powers beyond reminding schools of their legal obligations. Therefore, for complaints which relate to internal school matters and have exhausted the school's own complaints procedure (that is, they have completed Stage 3), there is no right of appeal regarding the decision of the panel to the LA as it has no powers to direct the school to change its

decision: it may advise, if to do so in full, or in part, in relation to its duty of care or statutory responsibilities. In light of this, any appeal to the LA will only relate to the correctness of the processes involved, and the parent's access to it.

Should the parent be dissatisfied with the appeal to the governing body panel, they should inform the LA of their wish to evoke Step 4 of the complaints process, within 15 school days of the receipt of the report from the complaints panel meeting.

Parents should outline what they remain dissatisfied with and / or, if they feel that part or all of the process, was flawed. On receiving this notification the LA should acknowledge its receipt within 5 school days, send the received correspondence to the head and chair of the panel and seek to arrange meetings with the parties concerned, at the earliest opportunity.

Once these meetings have taken place, allowing time for deliberation, the LA will respond to the parent within 20 school days from the date of the final meeting. And copies should be forwarded to the headteacher and chair of the panel. Parents should also be advised of their right of appeal to the Secretary of State or Local Government Ombudsman (LGO) if appropriate.

SECRETARY OF STATE

If a parent wishes to pursue a complaint because they feel a school has acted unreasonably, they can write to the Secretary of State.

The Secretary of State will contact the governing body and the LA for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by the governors.

LOCAL GOVERNMENT OMBUDSMAN

There is no 'schools ombudsman'. The Local Government Ombudsman will consider matters relating to the LA's responsibility but s/he cannot consider matters about the internal management of schools unless these affect the child's / parent's rights established by legislation.

WITHDRAWAL OF COMPLAINTS

Parents can withdraw a complaint at any stage by notice, preferably in writing. It is reasonable that complaints be deemed to have lapsed should the timescales for the parent to advise the complaint be progressed to the next stage (12 weeks from the time of response to the parent) be exceeded.

Where a complaint is not officially withdrawn but the parent has not been in contact or, fails to attend a hearing with no apology or due cause, it will be within the jurisdiction of the complaints panel or LA to decide whether they wish to proceed with the complaint. Guidance should be sought from the LA prior to any decision being taken.

COMPLAINT LETTER FROM A SOLICITOR

Should the school or the chair of governors receive a letter from a solicitor relating to a complaint / claim, then the school should contact the LA who will assist the school in any response.

PUBLISHING A COMPLAINTS PROCEDURE

This should be approved by the governing body, publicised in the school prospectus or, other publication and made widely known to parents e.g. during induction meetings of new pupils. Parents

should have access to the full complaints procedure if they need it. We also advise schools to consider publishing and making easily accessible a shorter and simpler version that explains the stages involved.

In their procedures, schools may wish to remind parents that the governing body has a largely strategic role. This means it is responsible for the school's strategic framework including its aims and objectives, priorities and targets, and policies to achieve those aims and objectives. The headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the governing body's policies. The headteacher is responsible for making day-to-day decisions.

SUGGESTED ELEMENTS OF A SCHOOL'S PUBLISHED COMPLAINTS PROCEDURE

School statement: - Points to mention here might include:

- the school ethos - value of parent / school relationships
- reasons for having a complaints procedure, for example, to encourage a shared approach and confidence in the school
- the importance of parents talking with a member of staff as soon as possible.

The Informal stage: - (For example, how to share a concern)

- who to contact, for example, class teacher (primary sector), form tutor (secondary sector)
- when to do this
- how to do this.

Stage 1: - (For example, what to do if the matter is not resolved through informal discussions)

- who to contact: the designated member of staff or headteacher
- whether this should be by telephone, in writing or other form
- what will happen next
- if the complaint is about the headteacher, then who to contact and how

Stage 2: - (For example, how to take the matter further)

- how to contact the chair of governors
- what will happen next
- what the chair of governors can do
- what timescale will be adhered to.

Stage 3: - (For example, who to appeal to next)

While schools can include this stage in their complaints procedure, it will be used very rarely and in many schools probably never. However, some schools, depending on their particular experiences, may consider including this stage in the shorter version of their procedure and explaining the limitations of the panel.

- how to appeal to the governing body's complaints panel
- what the complaints panel is
- what will happen
- when the parents will know the outcome.

Finally:

- This is as far as the school's general complaints procedure goes
- Schools might consider whether to also mention further appeal to the LA, Ombudsman or, Secretary of State.

COMPLAINTS REGISTER

Governing bodies should ensure that a record of complaints is kept by the school and that they receive an indication as to the number and nature of complaints received by the school on a regular basis.

ANNEXE I

COMPLAINTS PANEL PROCEEDINGS

Membership

The most important point to remember is that members of the complaints panel should not have had previous significant involvement with the complaint under review. The issues under consideration at these hearings are often of a very, personal and highly confidential nature and, therefore, the personal qualities and skills of those chosen should reflect the sensitive nature of the proceedings.

It is recommended that three governors (excluding the headteacher) form the panel. Substitutes should be appointed to take the place of any panel member who might be unavailable. The minutes of the autumn term governing body meeting should state the membership, chair and reserve members. All members should be full governors (not associate members or staff members). Whoever is appointed should be available to attend meetings at reasonably short notice.

Role

The panel has the power to make decisions on behalf of the governing body and may:

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

Where the issue under consideration does not fall within the remit of the panel, the members may still wish to make recommendations. A complaints panel, chair and reserve members should be appointed at the Governing Body meeting in the autumn term. The composition of the panel should be considered carefully:

Governor Support Officer (GSO)

The GSO should draw up the timetable and make all the necessary arrangements for the hearing.

COMPLAINTS PANEL HEARING

Before the hearing

A copy of the agenda, the complaint, and any written response from the parent should be sent to members of the complaints panel at least five school days before the hearing. Each member must read the papers to check that they have no significant involvement with the case under consideration (or are related to the parent), but should not discuss it with anyone else. If they need to withdraw from the panel they should notify the GSO who would organise a substitute. It is essential to withdraw at this stage so that an appointed reserve member can be arranged.

As a rule, parents represent their children at all meetings within the complaints process. However, if a parent specifically requests the attendance of their child (ren) at any hearing, the panel should satisfy itself of the following:

- The child / pupil has sufficient understanding of the process;
- The child by it's presence does not gain any confidential information disclosed by, or about pupils and staff;
- The pupil's presence is felt to be advantageous to the outcome of the hearing;
- The information exchanged in the pupil's presence, and the nature of that exchange, would not lead to any diminishment in the relationship between the pupil and staff involved, and;
- That any written statement given by the pupil prior to the hearing should be the sole focus of discussion.

Meeting Considerations

The tone of the meeting is often set by what happens when the parent first arrives. Therefore it is worth the chair considering the following: -

Where will the hearing take place?

Will there be any refreshments provided?

How will the meeting room be arranged (Small informal arrangements are usually best)?

What time will participants be asked to arrive?

Who will greet participants?

Will anyone wait with them?

Where will other people wait (Separate places for parents and school representatives may be advisable)?

What route will the parent and school representatives take to the meeting room?

It is important to note that the headteacher / schools representative should not be in the room before or stay after the parent is asked to leave.

MEETING PROGRAMME

1. Apologies.
2. To confirm the order of the procedure.
3. Invitation to parent (with friend / interpreter) and headteacher to join hearing and introduction to governors.
4. Introduction and explanation of procedure, including the confidential nature of the process.
5. To note the role of the clerk (LA Officer) at the hearing.
6. Parent's presentation and witnesses and questions to both by headteacher and / or governors.
7. Headteacher's response and witnesses and questions to both by parent and / or governors.
8. Any further questions or points from any of the parties.
9. Opportunity for summing up by parent.
10. Opportunity for summing up by headteacher.
11. Summing up by the chair.
12. Parent and headteacher leave hearing.
13. To decide on the complaint the panel can: -
 - Uphold the complaint in full
 - Uphold it in part, or
 - Dismiss it.
14. To consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the headteacher.
15. To remind all concerned that any information exchanged is of a confidential nature and, therefore, should not be shared outside the hearing.

The chairperson should take control of the meeting using his / her judgement to move the hearing on when necessary and aim towards a resolution based on the written and oral evidence presented at the hearing.

Convey to all concerned that as chairperson, they are acting impartially by treating all participants equally.

The parent (with their friend / interpreter) and the headteacher should be invited in and asked to leave together.

At the discretion of the chairperson, witnesses should be invited to join the hearing when their input is required and to leave immediately afterwards.

Explaining the proceedings

The chairperson should:

Introduce the people round the table.

Explain that the agenda will be followed.

Run through the items briefly and let the participants know if they will be able to hear the decision at the end of the hearing. Make it clear that although the hearing will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.

If the complaint is complex and there are some aspects of it that fall outside the panel's remit, clarify this and explain exactly which aspects of the complaint can be addressed by the panel. Later, advise the parent as to how best to follow up any part of the complaint that could not be dealt with by the panel. Alternatively, the panel may wish to consider making representations to the responsible authority for those areas that fall outwith its remit.

Explain that the parent can speak without interruption and then, allow the headteacher and members of the panel to ask any questions to clarify any issues raised, the headteacher's response will then be heard, again without interruption. There should be an opportunity for the panel and the parent to ask any questions about what has been said and so on.

Indicate any time limits to adhere to.

The hearing should allow for: -

- The parent to detail their complaint, and the headteacher to explain the school's response;
- The headteacher to question the parent about the complaint and the parent to question the headteacher about the school's response;
- Members of the panel have an opportunity to question both the parent and the headteacher.

Any party has the right to call witnesses in support of their case (subject to the approval of the chair), and all parties having the right to question all of the witnesses.

Having ascertained the names of all those waiting outside (witnesses etc), start the hearing by agreeing who should be invited in to speak to the panel and in what order. At no time should the parent, headteacher or a witness be able to talk to panel members without both the parent and headteacher being present. These arrangements may have to be modified if one or more of the parties absent themselves from the hearing.

If witnesses are waiting, the chair should try to ensure that they are called in due course if needed, or advised as early as possible, that their testimony will not be required.

The parent and headteacher should then be invited to sum up if they wish but if the issues are clear, formal summing up may not be appropriate. The chairperson should seek from the parent, a summary of the

points s/he would like the panel to consider, and what they would see as being an acceptable outcome. It is important that all the participants feel they have had every opportunity to be heard while avoiding unnecessary repetition.

The chair should explain to the parent and the headteacher at the end of the hearing that the panel will consider its decision, and a written response will be sent to both parties within a maximum of 15 school days. The parent and the headteacher should then leave. The panel reserves the right at this point to seek further information, including discussions with members of staff, to help with the decision making process.

The panel should then consider the complaint and all the evidence presented and:

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

The decision of the panel should be noted so this can be accurately recorded in the final report / letter.

An apology will be sought from the parent if it has been established by the panel that the complaint was unwarranted, unjustified or malicious.

The decision letter and report

The clerk (LA Officer, where agreed), should take notes of the hearing which will be used by the panel in the compilation of their report

The report should record the main aspects of the complaint, the decision reached by the panel and any recommendations made.

The clerk (LA officer where agreed) should send a copy of the decision letter to the parent, headteacher and chair of governors and a copy of the report to all members of the panel. All documents relating to a complaint are kept confidential.

SCHOOL ACTIONS COMPLAINTS PRO-FORMA

Stages 1 and 2

Date complaint referred to schools staff: _____

Date complaint referred to Headteacher / Chair: _____

Date complaint acknowledged by letter: _____

School's complaint procedure forwarded: YES/NO

Target date for response: _____

General nature of complaint: _____

Date of meeting with parent: _____

Others present: _____

Statements attached: YES/NO

Witnesses interviewed: _____

Date: _____

Pupils interviewed in presence of: _____

Date: _____

Records of correspondence / telephone calls etc. attached: YES/NO

Date of notification of decision to parent: _____

Written response attached: YES / NO

Date complaint referred to Governing Body: _____

LA involvement: _____

COMPLAINTS FORM

Complaints Form

When we receive a complaint, we aim to acknowledge its receipt within 3 days and send a full or interim response within 14 days.

Name of parent/carers

.....

Pupil's name

.....

Address:

Postcode:

.....

Telephone (day):

.....

Telephone (evening):

.....

What is your concern and how has it affected you?

Are you attaching any paperwork? If so, please list this below:

Have you discussed this matter with a member of staff before filling in this form? If so, who did you speak to and what was the response?

What would you like to happen as a result of making this complaint?

Signature:

Date:

Official use only

Initial response and acknowledgement:

By whom:

Date:

Complaints reference number:

Action taken:

Date:

Data Protection Act 1998 - We will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.

ANNEXE 2

COMPLAINTS AGAINST THE HEADTEACHER

This part of the process relates specifically to complaints about the general conduct / manner or, actions of the headteacher. It does not cover allegations of child abuse, financial impropriety or other criminal activity (where more specific procedures apply and should be followed) or, the headteacher reiterating or following policy.

The school's procedures should encourage preliminary discussions between the parent and headteacher. Parents should be advised to contact the headteacher by the most available means, giving details of their concern and enclose any appropriate paperwork. However, depending on the circumstances, the parent, or school, may request the involvement of a third party to advise them in the resolution of the complaint, for example the chair of the governing body or, the LA.

Investigation and response by the Chair of the Governing Body

The parent should write to the chairperson, via the school. This should specify the nature of the complaint, the actions which the parent is dissatisfied with and an indication of what outcome is being sought.

NB: Schools should consider alternative / secure ways for parents to contact the chairperson. However, where a letter is received, addressed to the chairperson, it should be forwarded to him / her **within three school days** of receipt.

On receipt of the letter the chairperson should notify the LA immediately and seek advice to establish whether the complaint falls within the scope of the school complaint procedure or under any other existing Council procedure. If the complaint does fall within the school's process the chairperson will act as complaints officer.

The chairperson, in consultation with the LA, before commencing and, in undertaking the next stage of investigation of the complaint will:

- Inform the headteacher that a complaint has been received and provide a copy of the complaint letter
- Clarify the exact nature of the complaint: what, if anything, remains unresolved and determine the extent of the investigational process in relation to the scope of the complaint
- Arrange for the collation / collection of any information / evidence
- Arrange for the conducting of interviews and written statements, as necessary
- Meet with the headteacher
- Provide a response to the parent.

The chairperson should acknowledge the parent's letter within 5 days of receipt from the school. The acknowledgement letter should confirm their understanding of the exact nature of the complaint itself; give a description of the complaints procedure and a target date for providing a response to the parent. Standard practice is to offer a full response within ten school days. If the complaint requires an in-depth investigation, the chairperson will need to acknowledge this and let the parent know that a full response will take longer than usual.

It is envisaged that the timescale between receipt of the complaints letter by the chairperson and consultation with the LA will be minimal (in most cases same day). S/he will be advised by the LA to notify

the headteacher immediately. In order to further reduce any delay it is important, therefore, that letters are forwarded by the school as soon as possible.

It should be noted that neither the chairperson nor any assisting officer should be directly involved in any interviews involving pupils: the deputy headteacher or nominated person should oversee this.

The chairperson may need to contact or meet with the parent in order to obtain / clarify specific points or obtain additional information to assist in the investigation. As with any stage the parent will be entitled to be accompanied by a friend / representative.

The chairperson will outline the complaint during the meeting with the headteacher (the head is also entitled to be accompanied at this stage). The headteacher will be given the opportunity to detail his / her actions. The LA officer will also be in attendance and take notes of the meeting on behalf of the chairperson: to be agreed by all parties.

The chairperson, in consultation with the LA, will decide upon the action to be taken in response to the complaint and inform the headteacher that:

- the complaint is unsubstantiated and no further action will be taken or,
- the complaint is justified in whole or in part and the head informed of what action will be taken.

The chairperson will write to the parent to indicate the outcome of the investigation and advise them of their right of appeal against either the decision or, the chair's conduct of the investigation. Should the parent remain dissatisfied s/he should write to the LA within 10 school days outlining what they remain dissatisfied with and ask that the governing body complaints panel meet to consider the matter.

Appeal to the Governing Body Complaints Panel

On receipt of a written appeal from the parent, the LA will notify the chair and vice-chair of the governing body and headteacher immediately and acknowledge the parent's letter within 5 school days advising of the process.

The vice-chair will authorise the GSO to convene a meeting of the complaints panel within 20 school days after the acknowledgement. Should a panel have to be chosen / agreed then this should be authorised by the vice chair as the chair is directly involved in the process.

The complaints panel will comprise of three members: at least one of whom should be a parent governor. The chair of governors will not be eligible to serve on the panel given that the appeal is against his / her decision as complaints officer in this process.

The GSO will write and inform the parent of the date and time of the appeal hearing at least 10 school days before the hearing. The notification letter will invite the parent to attend the hearing, indicating that s/he can be accompanied by a friend / representative. This correspondence will also explain how the hearing is to be conducted and indicate that any written statement provided by the parent in support of their case and the chair (GB) / headteacher's statements will be sent to respective parties 5 school days in advance of the hearing. Notification of any witnesses must also be forwarded to the panel within this timescale.

The GSO will also write to the chair (GB) and notify him / her of the date and time of the hearing. The timescales for notification, response and information regarding witnesses apply.

The aim of the hearing will be to resolve the complaint. The chair of the complaints panel will make every effort to put people at their ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.

After introducing all present and summarising the process to be followed, the chair of the panel will invite the parent to present their case from the information previously received by all concerned and call any witnesses whose names have been forwarded. Members of the panel and the chair (GB) will be given the opportunity to question both the parent and the witnesses or seek clarification on points raised or from the statements provided.

The chair of the panel will invite the chair of the governing body to present his / her report and call any agreed witnesses. Members of the complaints panel and the parent will be given the opportunity to question the chair of the governing body and the witnesses and / or seek clarification on the information presented or the written statements.

The parent and the chair of the governors will each be allowed to make a closing statement. Both parties will be informed that the panel will consider the matter and inform them in writing within 15 school days of its decision to:

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

An apology will be sought from the parent if it has been established by the panel that the complaint was unwarranted, unjustified or malicious.

Right of Appeal against the findings of the Chair / Panel

Should the headteacher have concerns regarding the findings of the chairperson following an investigation, s/he can appeal in writing to: the Corporate Director, C&YPD, who will notify the chairperson. The Director may allocate the matter to a senior officer (not previously involved), who will write to the headteacher outlining the process that will be followed.

The senior officer will meet with the respective parties individually. After this the findings will be put in writing to both the head and the chairperson.

Should the parent be dissatisfied with the appeal to the governing body panel, they should inform the LA of their wish to evoke Step 4 of the complaints process, within 15 school days of the receipt of the report from the complaints panel meeting.

Parents should outline what they remain dissatisfied with and / or, if they feel that part or all of the process was flawed. On receiving this notification the LA should acknowledge its receipt within 5 school days, send the received correspondence to the head and chair of the panel and seek to arrange meetings with the parties concerned, at the earliest opportunity. The matter will be allocated to a senior officer not previously involved at this stage, notably an Assistant Director.

Once these meetings have taken place, allowing time for deliberation, the LA will respond to the parent within 20 school days from the date of the final meeting. And copies should be forwarded to the

headteacher and chair of the panel. Parents should also be advised of their right of appeal to the Secretary of State or Local Government Ombudsman (LGO) if appropriate.

ANNEXE 3

COMPLAINTS AGAINST THE CHAIR OF THE GOVERNING BODY

This part of the process relates specifically to complaints about the general conduct / manner or actions of the chairperson. A formal complaint must be put in writing to the LA.

The letter should specify the complaint; indicate what action has been taken by the parent to resolve the matter informally, set out the reasons for dissatisfaction and what sort of outcome is being sought by the parent.

The LA, through the GSO, will acknowledge the letter in writing within 5 school days of receipt and notify the chair and vice chair of the governing body. The matter should be placed as an item on the agenda for the next governing body meeting or, where appropriate, a special meeting will be called for this purpose if the next full governing body meeting is more than 20 school days from acknowledgement of the complaint.

At the governing body meeting the matter will be treated as a confidential item and the chairperson asked to leave the meeting. The governing body will then decide, taking into account the wishes of the parent, whether to delegate the resolution of the matter to a complaint panel of governors or, to the LA. The headteacher will not serve as a member of the complaints panel.

If the governing body decides to refer the matter to the LA, the GSO will inform the parent within 5 school days of the governing body meeting. In notifying the parent of its decision, the governing body should explain the reasons for any referral to the LA. A LA officer will then arrange to meet with the relevant parties and a written response sent to the parent and chairperson within 15 school days.

Should the governing body decide to deal with the matter the GSO will convene a meeting of the complaints panel within 15 school days of the governing body meeting.

The GSO will write and inform the parent of the date and time of the appeal hearing at least 10 school days before the hearing. The notification letter will invite the parent to attend the hearing, indicating that s/he can be accompanied by a friend / representative. This correspondence will also explain how the hearing is to be conducted and indicate that any written statement provided by the parent in support of their case, and the chair's statement, will be sent to respective parties no later than 5 school days in advance of the hearing. Notification of any witnesses must also be forwarded to the panel within this timescale.

The GSO will also write to the chair (GB) and notify them of the date and time of the hearing. The above timescales for notification, response and information regarding witnesses apply.

The aim of the hearing will be to resolve the complaint. The chair of the complaints panel will make every effort to put people at their ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.

After introducing all present and summarising the process to be followed, the chair of the panel will invite the parent to present their case from the information previously received by all concerned and call any witnesses whose names have been forwarded. Members of the panel and the chair (GB) will be given the opportunity to question both the parent and the witnesses or seek clarification on points raised or from the statements provided.

The chair will invite the chair of the governing body to present his/her case and call any agreed witnesses. Members of the complaints panel and the parent will be given the opportunity to question the chair of the governing body and the witnesses and / or seek clarification on the information presented or the written statements.

The parent and the chair of the governing body will each be allowed to make a closing statement. Both parties will be informed that the panel will consider the matter, make a decision and inform them in writing within 15 school days whether to:

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

An apology will be sought from the parent if it has been established by the panel that the complaint was unwarranted, unjustified or malicious.

ANNEXE 4:

HELPFUL CONTACTS

Vacancy, Children's Services Officer, Pupils, Parents and Schools Service, CYPD 0161 474 3895

Barry Kirkman, Parents and Schools Partnership Officer, CYPD 0161 474 3842

Pat Morgan, Head of Service, Pupils, Parents and Schools, CYPD 0161 474 3917

Parent Partnership Service 0161 477 6648

USEFUL WEBSITES:

Stockport Council Website: www.stockport.gov.uk

GovernorNet: www.governor.net.gov.uk

DCSF: www.dcsf.gov.uk