



BROADFIELD PRIMARY SCHOOL

School Complaints Model Procedure

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Signed:

Date:

Position:


Children's Services

MODEL PROCEDURES FOR DEALING WITH SCHOOL BASED COMPLAINTS

Guidelines and suggested best practice for Headteachers and Governing Bodies of Community, Voluntary-Controlled, Voluntary-Aided, Foundation and Trust schools

(Headteachers and Governing Bodies of Academies, Free Schools, Studio Schools and University Technical Colleges should obtain guidance on complaints handling from the Education Funding Agency as they are independent schools. Guidance is available at the following link:

www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure)

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Contents

Item	Page Number(s)
Special notes	3
Important revisions since the last issue (number 6)	4
Suggested complaints policy template for schools	5 – 8
General principles of complaints	9
Dealing with complaints – initial concerns	9
Dealing with complaints – formal procedures	9
Flowchart – summary of dealing with complaints	9 – 10
Framework of principles	10 – 11
Investigating complaints	11
Resolving complaints	11
Vexatious complaints	11 – 12
Time-limits	12
Stages of the complaints process	13
Recording complaints	13
Governing Body Review	13
Publicising the procedure	13 – 14
Why does the school need a complaints procedure?	14
How will these guidelines help you?	14
How should schools handle complaints made about or by...	14 – 16
What complaint/appeal procedures are not covered by this document?	16
Complaints about Academies	16 – 17
What is the position of Staff complained about?	17
Where can the school get further help?	17
How long should the school take in dealing with concerns and complaints?	17
What is the first stage in dealing with a complaint?	17 – 18
What is the second stage in dealing with a complaint?	18 – 19
Who can attend a Stage 2 hearing?	19
What happens after the investigation/hearing?	19
What can Parents do if they are not satisfied with the outcome of the second stage of the investigation?	19 – 20

When is there a third stage of complaint to the County Council and how does it work?	20
What happens when there is NO statutory third stage of complaint to the County Council?	20 – 21
Can Parents complain to anyone other than the County Council?	21 – 22
What kind of record will be kept about complaints?	22
Appendix 1 – Hearing Stage 2 formal complaints – a toolkit for Governors	23 – 52
Appendix 2 – HCC school complaints information factsheet for parents	53 – 56

Special notes

- This is not a policy. It is in fact a document outlining model procedures for handling complaints that Community, Voluntary-Controlled, Voluntary-Aided, Foundation and Trust schools may elect to adopt. Schools that choose not to adopt and follow this guidance must still have a complaints procedure that has been approved by Governors and publicised to parents. For example Church of England schools and Catholic schools may elect to adopt and follow diocesan guidance instead.
- Whilst every effort has been made to make these model procedures as comprehensive as possible, the guidance and suggested best practice contained within this document is not exhaustive.
- Each school should ensure that it drafts, approves, adopts and publishes its own complaints procedure based on the guidance and suggested best practice contained within this document. The document featured on pages 5 – 8 is a suggested template to assist schools in doing this.

Important revisions since the last issue (Number 6 – July 2012)

- Inclusion of a reminder that this procedure is not exhaustive.
- Inclusion of advice on how schools should handle complaints made by a Governor about another Governor.
- Inclusion of advice on how schools should handle complaints regarding compliance with Data Protection and Freedom of Information legislation.
- Inclusion of contact details for the Education Funding Agency.
- Revised wording about Complaints Panel Membership.
- Addition of wording to make it clear that an Investigation prior to a Complaints Panel does not have to take place if the Chair of Governors is satisfied that all the facts of a complaint have been established and therefore, no further clarity is needed. This has been added to ensure that it is made clear that an Investigation prior to a Panel is optional and is a decision to be made by the Chair of Governors.
- Amendment to timescale in circumstances where a further investigation of an SEN provision complaint may be requested. Complainants must now ask for this within 20 working days of receiving the final outcome from the school, rather than 28 school days.
- Changes to front sheet – making it clear that Academies, Free Schools, Studio Schools and University Technical Colleges should seek definitive advice from the EFA (such as the requirement to have an IP on a complaints panel) on how to handle complaints.
- Inclusion of a ‘Special Notes’ section.
- Removal of Appendix 1 as it duplicated Annex J.
- Appendix 3 moved to the beginning of the document to encourage each school to adopt it as their complaints policy document. No longer designated as an Appendix.
- Removal of Appendix 4 – regarding boarding schools.
- Removal of Appendix 5 as it was only a summary of the overall document and therefore contained a lot of duplicate information.

Broadfield Primary School

Complaints Policy

How we will deal with your concerns

Broadfield Primary School www.broadfieldprimary.herts.sch.uk 01442 426300

HOW TO COMMENT OR COMPLAIN

We care about what you think

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

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

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

Our aims

- Your complaint will be dealt with honestly, politely and in confidence.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- You will get an apology if we have made a mistake.
- You will be told what we are going to do to put things right.
- You will get a full and clear written reply to formal complaints within **28 school days (5½ weeks)**.

Broadfield Primary School

Website: www.broadfieldprimary.herts.sch.uk

Email: admin@broadfieldprimary.herts.sch.uk

Telephone: 01442 426300



How to make a complaint

In the first instance – informal stage

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

We know that it can feel uncomfortable to question or challenge something, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right. If the member of staff you speak to in the first instance is unable to attempt to resolve the matter, you should make an appointment with the Headteacher. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step.

First - formal stage

Request a meeting with the Headteacher who will investigate your complaint and aim to inform you of the outcome **within 10 school days (2 weeks)**.

If your first contact is with individual Governors, they will advise you to take up your concerns with the appropriate member of staff or Headteacher. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

If your complaint is about the Headteacher, you should **write to the Chair of Governors**. If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to our Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

Second - formal stage

If you remain dissatisfied following Stage 1 and wish to take your complaint further, you will be asked to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining.
- Say who you have spoken to already.
- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This is likely to involve a Panel of Governors. If the Chair of Governors or another Governor has been involved in discussions to help settle the disagreement at Stage 1, s/he should arrange for another Governor to take charge of the investigation. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns.

You should make sure that the Governors' Complaint Panel is provided with any written information or evidence you intend to use in a formal hearing. You may bring a friend, representative or interpreter to any meeting if you wish. The Chair of the Panel may invite any person who may help establish the facts of the complaint. The Chair should tell you who this person is before the meeting. If any member of staff is required by the Governing Body to attend a meeting they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors. They may be represented. If this happens, we will inform you in advance.

When the Panel has fully investigated your complaint, the Chair of the Panel or the Governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. Our Governing Body will aim to deal with your complaint **within 28 school days (5½ weeks)**.

Further recourse

Most complaints are resolved by this process. Should your complaint not be resolved, your further options are as follows:

- You may complain to the Diocese
(If the school is a Church of England or Catholic school – delete as appropriate)

For Roman Catholic schools:

The Director of the Education Service, Diocese of Westminster, Vaughan House, 46 Francis Street, London, SW1P 1QN. Email: education@rcdow.org.uk, Website: www.rcdow.org.uk. Telephone: 020 7798 9005.

For Church of England schools:

The Diocesan Director of Education, Diocesan Office, Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HE. Email: schools@stalbans.anglican.org, Website: www.stalbans.anglican.org. Telephone: 01727 818170.

- You can complain to the Secretary of State at the Department for Education:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 000 2288

In the case of complaints about **Special Educational Needs provision**, you may complain further to the Local Authority. This should be done by writing to the Children's Services Complaints Manager.

It should be noted however that if you wish to pursue this route, you must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing into your complaint. After **20 working days (4 weeks)**, neither the school nor the Local Authority is under any obligation to investigate or progress your complaint any further.

Useful contacts

Advisory Centre for Education

Education Advice & Training
72 Durnsford Road
London
N11 2EJ
Web: www.ace-ed.org.uk
Phone: **0300 0115 142**

POhWER

Hertlands House
Primett Road
Stevenage
SG1 3EE
Web: www.pohwer.net
Phone: **0300 456 2370**

Children's Legal Centre

Riverside Office Centre
Century House North
North Station Road
Colchester
Essex
CO1 1RE
Web: www.childrenslegalcentre.com
Phone: **0345 345 4345**

National Youth Advocacy Service (NYAS)

Egerton House
Tower Road
Birkenhead
Wirral
CH41 1FN
Web: www.nyas.net
Phone: **0345 345 4345**

SENDIASS (Special Educational Needs & Disability Information Advice Support Service – formerly Parent Partnership)

Registry Office Block
CHR102
County Hall
Hertford
SG13 8DF
Web: www.hertsdirect.org/parentpartnership
Email: parent.partnership@hertfordshire.gov.uk
Phone: **01992 555847**

Family Lives (Formerly Parentline Plus)

15-17 The Broadway
Hatfield
Hertfordshire
AL9 5HZ
Web: www.familylives.org.uk
Phone: **0808 800 2222**

General Principles of complaints

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

Dealing with Complaints – Initial concerns

1. Schools need to be clear about the difference between a concern and a complaint. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if Staff were able to resolve issues on the spot, including apologising where necessary.

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

Similarly Parents can be given details of support organisations that may be able to impartially discuss their concerns with them.

Dealing with Complaints – Formal procedures

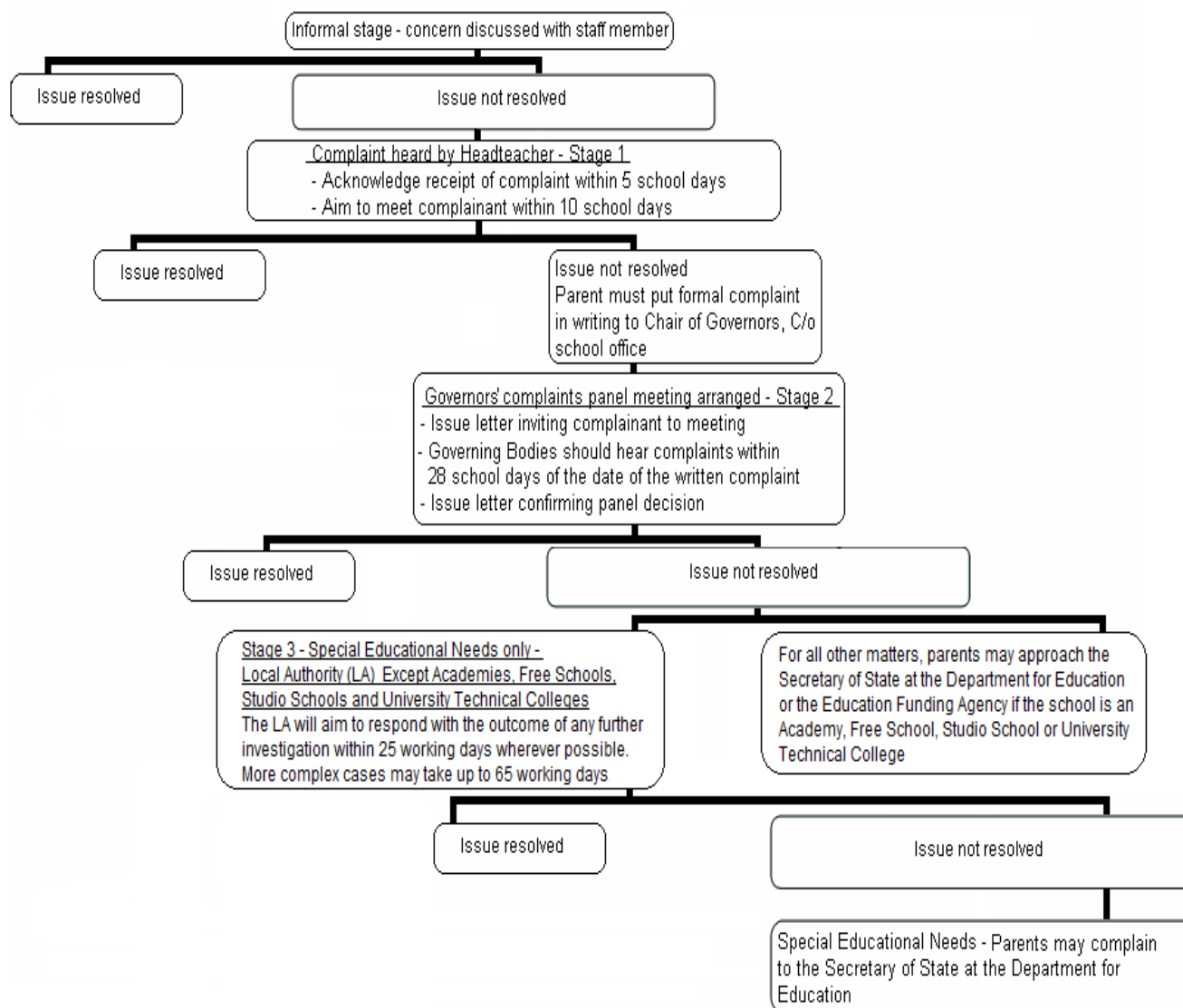
3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

4. Schools might wish to nominate a member of Staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'Complaints Co-ordinator'. In smaller schools this may often be the Headteacher.

Flowchart - Summary of Dealing with Complaints

Please see next page.

Dealing with complaints



Please note that the timescales specified in diocesan complaints guidance may differ from those detailed above. School days are term time only, whilst working days are weekdays throughout the year.

Framework of Principles

5. An effective Complaints Procedure will:

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

- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's Senior Management Team so that services can be improved.

Investigating Complaints

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

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

Resolving Complaints

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

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

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

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

Vexatious Complaints

10. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when,

despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

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

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

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

The Complaints Team can be contacted directly where the school identifies a need to discuss a particular case further in order to ascertain whether the complaint can be considered vexatious or not. Useful contact details are included in this document at the end of Appendix 2.

Time-Limits

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

Stages of the complaints process

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

Informal – Local resolution of the concern with Staff member

Stage 1 – complaint heard by Headteacher

Stage 2 – Governors' Complaint Panel

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

Recording Complaints

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

Governing Body (GB) Review

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

15. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating a school's performance.

Publicising the Procedure

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

- on the school website;
- in the school prospectus;
- in the Governors' report to Parents;
- the information given to new Parents when their children join the school;
- the information given to the children themselves;
- in the home-school agreement;
- in home-school bulletins or newsletters;
- in documents supplied to community users including course information or letting agreements;
- in a specific complaints leaflet;

- on posters displayed in areas of the school that will be used by the public, such as reception or the main entrance

Why does the school need a complaints procedure?

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

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

How will these guidelines help you?

The Model Procedures include:

- Guidelines for Headteachers and Governing Bodies for handling complaints.
- A Toolkit for Governors – Hearing Stage 2 Formal Complaints (Appendix 1).

Also included is:

- HCC school complaints information factsheet entitled 'Complaints regarding schools' (Appendix 2).

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

The Department for Education (DFE) has confirmed that these model procedures are well ordered. They have, however, issued guidance in the form of a School Complaints Procedure Toolkit. The document is intended to help schools draw up a complaints procedure if they have not already done so, or to review their existing procedure if they wish. However, the good news is that the DFE acknowledges that the vast majority of schools already have a complaints procedure in place, based on LA or Diocesan Board models.

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

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

How should schools handle complaints made about or by:

- A member of Staff about another member of Staff or the Headteacher?

- A member of the Governing Body about a member of Staff?
- A member of Staff about a member of the Governing Body?
- A member of Staff about the action/decision of the Governing Body?
- Members of the public (not Parents)?
- A Parent whose child no longer attends the school?
- Data Protection and Freedom of Information related matters

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

Complaint made by one member of Staff against another (including the Headteacher)

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

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

Complaint made by a Governor about a member of Staff

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

Complaint by a member of Staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors could be set up to consider the matter as per the complaints process outlined in this document.

Complaint by a member of Staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter would have to be put on the agenda for review at another meeting and if the decision was then confirmed, that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or

individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision should review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

Complaint by a member of the public (not a Parent)

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

Complaint by a Parent whose child no longer attends the school

The purpose of this complaints process is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where Parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and it would be advisable for Governors to investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's Complaint Panel, it would be good practice to inform Parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body.

Complaints regarding compliance with Data Protection and Freedom of Information legislation

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

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

This document does not cover:

- Complaints by Governors about other Governors – contact School Governance for advice – email gov.courses@hertsforlearning.co.uk
- Child Protection Procedures – see www.hertsdirect.org/childprotection
- Appeals about admissions – see www.hertsdirect.org/schoolappeals
- Complaints about fixed term or permanent exclusions from school – see www.hertsdirect.org/schoolappeals
- Staff Disciplinary Procedures – see www.thegrid.org.uk

Complaints about Academies

Whilst they are required to have a complaints procedure in place, Academies operate independently of the Local Authority. As such, the Local Authority is

unable to investigate complaints regarding Academies. Parents wishing to escalate a complaint about an Academy which has not been satisfactorily resolved through the Academy's complaints procedure should contact the Education Funding Agency. The contact details for the Education Funding Agency are as follows:

Academies Central Unit (Academy Complaints)
Education Funding Agency
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH
Email: academyquestions@efa.education.gov.uk

What is the position of Staff complained about?

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

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

Where can the school get further help?

There is a "Toolkit" to help Governors with practical arrangements for Stage 2 complaints to the Governing Body contained in Appendix 1. For specific guidance on the materials in the "Toolkit" and for the practical arrangements for carrying out Governor investigations and hearings, please contact School Governance at gov.courses@hertsforlearning.co.uk or on 01438 843082.

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

Schools should aim to deal with these quickly and efficiently at Stage 1, so avoiding the formal Stage 2 procedure wherever possible. All complaints should be acknowledged within **5 school days (1 week)**.

The Governing Body should deal with and respond fully to Stage 2 formal complaints within **28 school days (5½ weeks)** of the written complaint being received. If this is not possible Parents need to be given the reasons for the delay and to be kept informed of progress.

What is the FIRST stage in dealing with a complaint?

Most concerns, or potential complaints, can be resolved informally by offering Parents a full discussion with the member of Staff who is best able to help.

Should this approach not resolve matters, a formal complaint should be made to the Headteacher at Stage 1. The Headteacher should carry out an investigation. Governors approached by Parents at this stage should steer parents in this direction initially.

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

If the complaint is about the provision the school is making for a child's Special Educational Needs, then a Parent might find it helpful to talk to the named SEN Officer where this applies. SENDIASS (Special Educational Needs & Disability Information Advice & Support Service – formerly known as the Parent Partnership Service) will be able to provide advice on the procedures the LA has in place for resolving disputes between schools and Parents over SEN provision.

Schools should give Parents wishing to complain further a copy of the school's complaints procedure and ask them to set out their complaint in a letter or by completing the formal complaint form (see Annex A).

What is the SECOND stage in dealing with a complaint?

Please see "Hearing Stage 2 Formal Complaints - A Toolkit for Governors" (Appendix 1) for detailed guidance on all the practical steps for investigating and hearing Stage 2 complaints.

The Chair of Governors will arrange for the complaint to be investigated and considered under the arrangements approved by the Governors for this purpose. This will usually involve a Panel of Governors appointed to act on behalf of the Governing Body. **In the case of Special Educational Needs complaints, the Chair of Governors must inform the Children's Services Complaints Manager at the Local Authority.**

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

It may be helpful to offer the Parent an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant. Please note that neither a pre-meeting nor an investigation in advance of the Panel are a requirement. They are optional and it is up to Governors to decide whether to conduct them.

Parents should be provided with full details of how the Governors' Complaint Panel will conduct the further investigation, if there is to be one, (please see page 16, paragraph 3 entitled 'Complaint by a Parent whose child no longer attends the school' for the exception to this rule). A formal hearing is the best way for both Parents and the Headteacher and Staff to be satisfied they have had a proper opportunity to be listened to by Governors. Everyone should also be informed in advance of the order of proceedings for complaint hearings.

Both parties should make available to the Panel, in advance, any written information they wish to be considered in the formal hearing.

Who can attend a Stage 2 hearing?

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

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

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

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

What happens after the investigation/hearing?

When the complaint has been fully investigated and the hearing has taken place, Parents should be notified of the **findings** in writing by the Chair of the Panel hearing the complaint or the Governor responsible for the investigation within **5 school days (1 week)** of the hearing date.

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

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

A copy of the report must be sent to the Headteacher and the Children's Services Complaints Manager in the case of a Special Educational Needs complaint, where there is a possibility of a third stage of complaint to the County Council.

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

In most cases it is expected that Parental complaints will be satisfactorily resolved following a formal complaint to the Governing Body. However, should Parents

remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

It should be noted that if Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within **20 working days (4 weeks)** of receiving the written outcome of the hearing.

After **20 working days (4 weeks)**, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

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

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

Parents may complain further to the LA by writing to the Children's Services Complaints Manager.

The CS Complaints Manager will acknowledge the letter and will notify the Chair of Governors and the Headteacher. The CS Complaints Manager will arrange for the complaint to be investigated. The Investigator will seek the comments of the Governing Body and any other information or advice as necessary.

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

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

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 000 2288

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

If the complaint is about Denominational Religious Education in a Voluntary-Aided school or Collective Worship in a Voluntary-Aided school in accordance with the trust deed or previous practice before the school became a Voluntary-Aided school:

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

For Roman Catholic schools, complainants should write to: The Director of the Education Service, Diocese of Westminster, Vaughan House, 46 Francis Street, London, SW1P 1QN. Email: education@rcdow.org.uk, Website: www.rcdow.org.uk. Telephone: 020 7798 9005.

For Church of England schools complainants should write to: The Diocesan Director of Education, Diocesan Office, Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HE. Email: schools@stalbans.anglican.org, Website: www.stalbans.anglican.org. Telephone: 01727 818170.

FOR ALL OTHER TYPES OF COMPLAINT, INCLUDING THOSE REGARDING BULLYING, THE NATIONAL CURRICULUM OR COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, VOLUNTARY-AIDED, FOUNDATION OR TRUST SCHOOL, THERE IS NO THIRD STAGE OF COMPLAINT TO THE LOCAL AUTHORITY

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

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

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

Can Parents complain to anyone other than the County Council?

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

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

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Telephone: 0370 000 2288

What kind of record will be kept about complaints?

The County Council will monitor Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure.

Schools should, as good practice, formally record and monitor all Stage 2 complaints to the Governing Body.

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

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

Annex A

Formal Complaint Form

Name		
Address		
Postcode		
Email address		
Telephone No.	Day	
	Evening	
	Mobile	
What is it you want to complain about?		

Have you raised your issue with the Class Teacher (informal stage)? If so, when did you do this?	YES (inc. date)	NO
Have you complained to the Headteacher (Stage1)?	YES	NO
When did you do this?	Date:	
What happened when you complained to the Headteacher?		

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

--

Signed Date	

Please return this form to the Chair of the Governing Body

Complaints about schools

Introduction

Hertfordshire County Council cannot deal with complaints about schools. School Governors are responsible in law for having a published complaints procedure and for responding to complaints.

Stage One

Most concerns, complaints or potential complaints can be resolved by **talking to the member of school staff** concerned. The school can tell you who you should speak to first. You may wish to request a copy of the school's complaints procedure, available from the school office or website. If the concern isn't resolved by speaking to a member of staff, you should then **request a meeting with the Headteacher** who will investigate your complaint and aim to inform you of the outcome within **10 school days (2 weeks)**.

If your first contact is with individual Governors, you may be asked to take up your concerns with the Headteacher or the appropriate member of staff. A Governor should not be made aware of a potential complaint as they may be required to sit on a Panel in the event of a formal hearing (Stage Two) and should be impartial.

If your complaint is about the Headteacher, you should **write to the Chair of Governors** at the school. If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP) you might find it helpful to talk to the Special Educational Needs Co-ordinator (SENCo) at your child's school or your child's named Special Needs Officer. The SEND Information Advice and Support Service (SENDIASS – formerly Parent Partnership) may also be able to help you.

If you have not yet raised your concerns with the school in question but contact the Local Authority instead, Council Officers will ask you for your written consent to share information regarding your complaint with the school. If you decline to provide your consent, the matter will not be taken any further. If you do provide consent, the Council will pass your concerns onto the school for action by either school staff or governors.

Stage Two

If you remain dissatisfied following Stage 1 and wish to take your complaint further, the school may ask you to complete a form or write a letter addressed to the Chair of Governors. In the letter you should:

- Make it clear why you are complaining.
- Say who you have spoken to already.

- Explain what you want to happen as a result of your complaint.

The Chair of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the Governing Body. This is likely to involve a Panel of Governors. If the Chair of Governors or another Governor has been involved in discussions to help settle the disagreement at Stage 1, s/he should arrange for another Governor to take charge of the investigation. The Governor in charge of investigating the complaint may ask to meet you to discuss your concerns. The Governing Body should give you full details of how they will carry out any further investigation or formal hearing and keep you up to date with progress.

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

When the Panel has fully investigated your complaint, the Chair of the Panel or the Governor in charge of the investigation will write to you to tell you the findings. These findings will be reported to the Governing Body. The Chair of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. The Governing Body should aim to deal with complaints within **28 school days (5½ weeks)**.

For Academies, Free Schools, Studio Schools and University Technical Colleges, please seek guidance regarding Stage Two from the Education Funding Agency.

Stage Three

FOR ALMOST ALL COMPLAINTS, THE PROCEDURE ENDS WITH THE GOVERNING BODY AND THERE IS NO THIRD STAGE OF COMPLAINT TO THE LOCAL AUTHORITY

If the school's complaints procedure has been exhausted and you remain dissatisfied, you can approach the Secretary of State (or the Education Funding Agency if the school is an Academy, Free School, Studio School or University Technical College). Further advice is available from the Children's Legal Centre, the Advisory Centre for Education (ACE) or Family Lives (formerly Parentline Plus).

However, if your complaint is about the way that a school is providing for your child's Statement of Special Educational Needs or Education Health & Care Plan, you do have a third stage of complaint to the Local Authority (if the school is a Community, Voluntary-Controlled, Voluntary-Aided, Foundation or Trust school).

In this case, you can write to the Complaints Manager who will acknowledge your complaint within five working days and inform the Chair of Governors and Headteacher. The Complaints Team will aim to investigate your complaint within 25 working days; however the investigation may take longer (up to 65 working days) in complex cases. When your complaint has been fully investigated the Complaints Manager will write to let you know the outcome. S/he will give the reasons for the outcome, any action or proposed action to be taken and any further avenues open to you. S/he will send a copy to the Headteacher, the Chair of Governors and anyone else concerned in the investigation. Parents who remain dissatisfied following further investigation by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation.

You may also wish to contact the relevant diocese in the case of a church school:

For Roman Catholic schools:

The Director of the Education Service, Diocese of Westminster, Vaughan House, 46 Francis Street, London, SW1P 1QN. Email: education@rcdow.org.uk, Website: www.rcdow.org.uk. Telephone: 020 7798 9005.

For Church of England schools:

The Diocesan Director of Education, Diocesan Office, Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HE. Email: schools@stalbans.anglican.org, Website: www.stalbans.anglican.org. Telephone: 01727 818170.

Can I complain to anyone other than the County Council?

FOR ALL OTHER TYPES OF COMPLAINT, INCLUDING THOSE REGARDING BULLYING, THE NATIONAL CURRICULUM OR COLLECTIVE WORSHIP IN A COMMUNITY, VOLUNTARY-CONTROLLED, VOLUNTARY-AIDED, FOUNDATION OR TRUST SCHOOL, THERE IS NO THIRD STAGE OF COMPLAINT TO THE LOCAL AUTHORITY

However, you can complain to the Secretary of State at the Department for Education:

The Secretary of State, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. Website: www.education.gov.uk. Telephone: 0370 000 2288

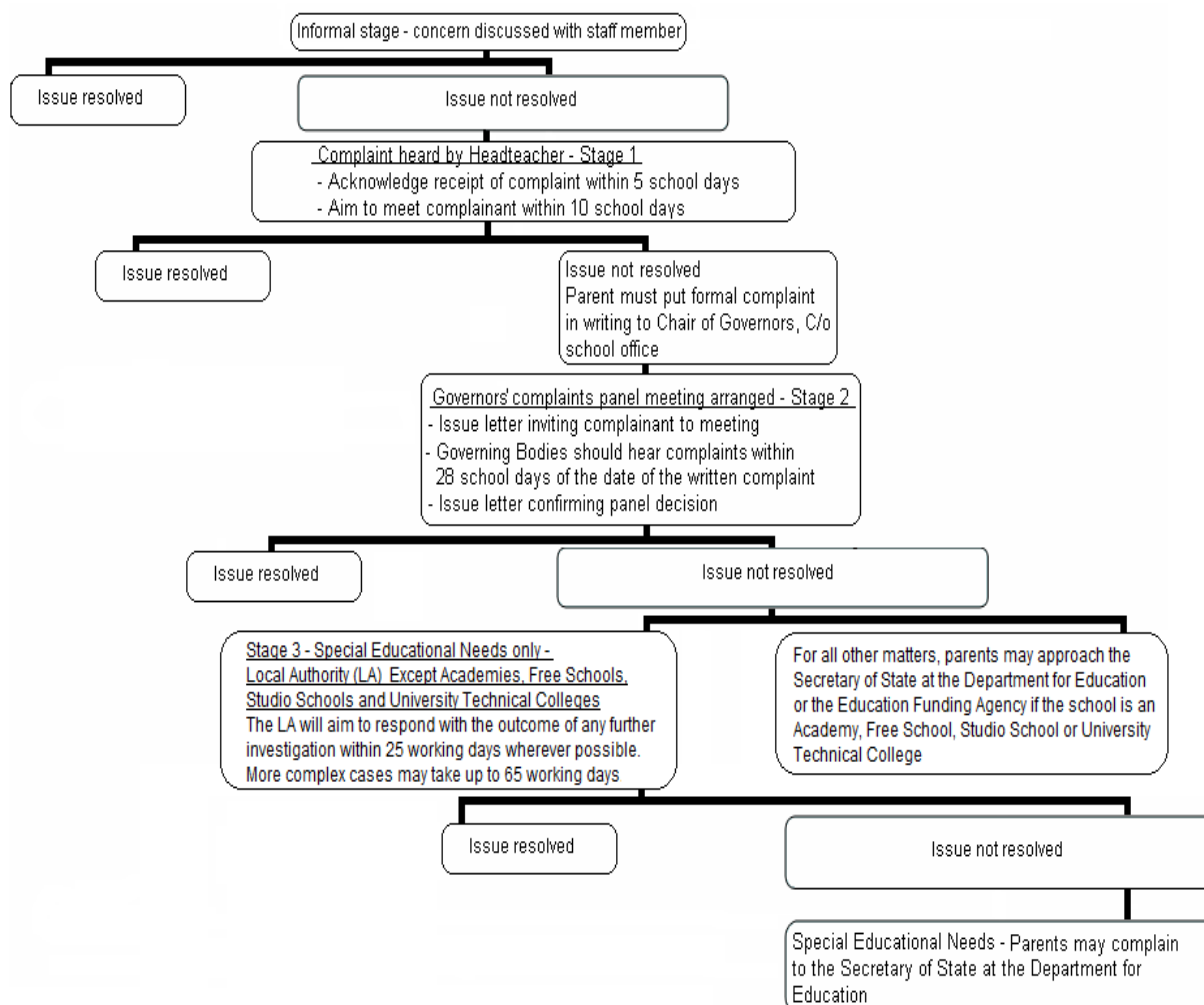
Complaints about Academies, Free Schools, Studio Schools and University Technical Colleges

Whilst they are required to have a complaints procedure in place, these types of schools operate independently of the Local Authority. Accordingly, the Local Authority is unable to investigate complaints regarding these types of schools, even if your complaint relates to Special Educational Needs provision. If you have a complaint about one of these schools which has not been satisfactorily resolved through its complaints procedure, you should contact the Education Funding Agency:

Useful contact details

Chair of Governors	The school secretary can tell you who this is and pass on any written correspondence	
Complaints Team (Children's Services)	www.hertsdirect.org/complaints Email: cs.complaints@hertfordshire.gov.uk	01992 588542
SEND Information Advice & Support Service	www.hertsdirect.org/parentpartnership Email: parent.partnership@hertfordshire.gov.uk	01992 555847
ACE (Advisory Centre for Education)	www.ace-ed.org.uk	0300 0115 142
HertsHelp	www.hertsdirect.org/hertshelp	0300 123 4044
Family Lives	www.familylives.org.uk	0808 800 2222
Carers in Herts	www.carersinherts.org.uk	01992 586969
Children's Legal Centre	www.childrenslegalcentre.com	0345 345 4345
Citizen's Advice Bureau	www.citizensadvice.org.uk	03444 111 444

Summary of the complaints process



Please note that the timescales specified in diocesan complaints guidance may differ from those detailed above. School days are term time only, whilst working days are weekdays throughout the year.

*****End of Factsheet*****