This policy and procedure represents a recognition that things can go wrong and that the school is committed to resolving concerns as quickly and effectively as possible. We value parents’ views on what goes on in the school and are happy to receive comments and suggestions at any time as a means to improvement and to rectify any possible misunderstandings.

Aims

To:

- resolve concerns through informal discussions at the earliest stage
- be speedy, with well-defined timescales and named contacts
- focus on resolution and service review rather than blame
- be accessible to people with disabilities, special needs or language barriers
- promote confidentiality and discretion
- include fair and transparent investigative processes for staff as well as complainants
- indicate other sources of advice, for example CAB (Citizens Advice Bureau), parent/partnership services or ACE (Advisory Centre for Education)
- be forthright in dealing with vexatious, abusive, malicious and anonymous complainants.

This guidance does not cover complaints about the following issues, for which there are specific statutory regulations and LEA appeal mechanisms:

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

The Process

Parents are advised to pursue the following stages in order.

The Preliminary Stage

1. Parents should speak informally with the class teacher and then the Headteacher as soon as they have a concern. If the HT is contacted a record will usually be made of the concerns. Initial contact may be via the office if uncertain which member of staff would be appropriate. The best time to make contact is at the end of the school day.

2. If the concerns are about the Headteacher, then these should be discussed informally with him/her at the earliest opportunity. However, depending on the circumstances, parents may need to approach the Chair of Governors (Stage 2)

3. Most concerns are dealt with informally to everyone’s satisfaction. Failing this, complainants will need to take the complaint to the next stage or stages of the process.

Stage 1 – Headteacher

If satisfaction is not achieved by raising the concerns with the appropriate member of staff then the following steps should be taken.

1. Parents should write to the headteacher, giving details of the concern and enclosing any appropriate paperwork.
2. The headteacher, or a designated senior member of staff, should respond to the parent in writing as soon as possible. Standard practice is to acknowledge the complaint and/or offer a full response within five working days.

3. If the complaint requires an in-depth investigation, the headteacher will need to acknowledge this and let the complainant know that a full response will take longer than usual. Standard practice is to investigate the complaint and prepare a response within 20 days.

4. The Headteacher 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.

5. If a parent remains dissatisfied, the headteacher will need to decide when to give a final response and refer the parent to Stage 2 of the complaints process.

Stage 2 - Chair of Governors

1. If the parent is dissatisfied with the final response at Stage 1 they should write only to the Chair of the Governing Body (who is responsible for logging complaints).

2. The letter should outline the complaint, explaining the reasons for pursuing it beyond the headteacher's response and enclosing any relevant paperwork.
   - Parents needing support in making a written complaint may approach the school office for help or telephone the Chair of Governors, who will write the details down for them.

3. The timescales for acknowledging the complaint and making a response at this stage will be similar to those outlined for the headteacher at Stage 1. A record of the outcome will be made.

4. This stage offers an opportunity for achieving conciliation between all parties. Informal discussions between the Chair of Governors and the headteacher are key to resolving the complaint and agreeing a way forward. This should prevent any further escalation of the disagreement.

5. The Chair of Governors 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, management and control of the school?

6. For delegated responsibilities and matters within the remit of the governing body, the chair may look at the whole issue afresh.

7. If the matter relates to the headteacher's conduct, the chair of governors 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 LEA complaints adviser or education personnel services

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1 Parents should not write to all governors individually as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.
8. 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 the light of the information available at the time.

9. In the rare circumstance that a parent is unhappy with the outcome, the chair of governors may offer a right of appeal to the governing body's complaints panel.

Stage 3 - Governing Body's Complaints Panel - Reconsideration or Review

If the complaint is not resolved by the Chair of the Governing Body, then a complainant may then appeal to the relevant complaints panel of the Governing Body.

1. Parents who wish to appeal to the governors should request this in writing to the Clerk to the Governing Body. Parents should describe the issues in detail and say why they are dissatisfied with the outcomes of the previous stages.

2. The Governing Body will appoint as and when the need arises, a complaints and appeals panel made up of governors who are untainted regarding the complaint. For complaints about the national curriculum or religious education, this will usually be the curriculum committee.

3. Parents should not write to individual governors as this may make it difficult to set up a panel of three governors who have had no prior involvement in the case.

4. The governors' powers should be made clear to parents at Stage 2 and re-emphasised at this point. The two forms of appeal would be a reconsideration or a review.

   a. **Reconsideration (considering afresh)**

      When the issues relate to delegated responsibilities, the panel can reconsider the matter, that is, look at the matter afresh, with any new information that the headteacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the headteacher to give the matter further consideration.

      Complaints about a governor should also be subject to a reconsideration of the issues.

   b. **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 irrational: a decision that no reasonable 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:

      - failed to take account of a relevant consideration; and/or
      - took into account an irrelevant consideration; and/or
      - made a 'perverse' 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 perverse, 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.

5. The clerk should arrange and facilitate the meeting.

6. The panel should consist of three governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting should be held in an informal atmosphere but should follow a formal agenda.

7. The clerk should inform the complainant in writing of the panel's decision, preferably within two school days following the meeting. If this is not possible, the clerk will write to the complainant informing them of the timescale. The letter should include:
   a. a summary of the issues
   b. an outline of the main points of discussion
   c. the reasons for the decision
   d. proposed actions or outcomes.

8. The panel's letter may suggest that the parents meet the headteacher again to agree a way forward.

9. For issues related to the national curriculum or the provision of religious education, parents will need to be told that they can appeal further to the LA (Stage 4).

10. For general complaints: this is the final stage of the school's complaints procedure. If a parent believes that the headteacher's and governors' actions have been unreasonable or the correct process has not been adhered to, the only recourse is to the Secretary of State.

Stage 4 - local education authority (LEA)

11. The local education authority (LA) offers a further right of appeal for parents who have exhausted the school's procedures, if the complaint is about:
   • the national curriculum and related matters
   • provision of collective worship and religious education.

For general complaints about a school, the Local Authority has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual general complaints, which relate to internal school matters and have exhausted the School's own Complaints Procedure, there is no right of appeal to the Local Authority, because it has no powers to direct the school to change its decision.

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.

Governors may need to decide whether all future contacts should be:
• directed to, and only be dealt with by, a named individual.
• restricted, for example, to letter only.

If a conclusion has been reached about a complaint, but a complainant continues to pursue it,
the School may wish to consider writing:
• to re-iterate that the matter is concluded and that there will be no further correspondence;
• to say that, if correspondence continues, it will be read and filed but will receive no
  acknowledgement; or
• 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;
• setting restrictions for further contact with staff; and/or
• reporting the incident to the police.

Consideration will be given to filing a Violent Incident Report form and seeking advice from the
Local Authority.

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 incidence.

Repeated abusive or aggressive contacts can be considered as harassment and the Headteacher
will consider reporting them to the police.

The Headteacher may seek further advice from Legal Services in the Chief Executive’s
Department.

Anonymous Complaints

The School will not respond to anonymous complaints. Nonetheless, the Headteacher and/or Chair
of Governors will consider whether:
• the issue and the fear of identification are genuine
• the issue is one of Child Protection.
Appendix I – Staged Approach to handling Complaints

Complainant’s actions

PRELIMINARY STAGE

Speak with relevant member of staff

Informal discussion
listen
discuss
consider who should deal with the matter
record concern
resolve

Parent satisfied

Not satisfied

Explain procedures and next stage

STAGE ONE

Write to headteacher

acknowledge within five days
investigate
agree to meet
confirm the outcome in writing within 20 days
offer a resolution

Parent satisfied

Not resolved

Explain procedures and next stage

STAGE TWO

Write to the chair of governors

acknowledge within five days
agree to investigate
speak with headteacher
meet with both parties
try and resolve

Parent satisfied

Not satisfied with the outcome

Explain procedures and next stage

STAGE THREE

ASK for a hearing by the governors' Complaints Panel

no statutory timescale
if the clerk to set up the hearing within 20 days
one or more governors on the panel
not consider written and oral submissions from all parties
decision preferably within two days

This is the final stage in the school's internal complaints procedures.