



Marple Hall School

Policy Document

School's Complaints and Resolutions Procedure
and Guidance Document

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STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Stockport
Complaints Resolution Procedure
and Guidance Document (Schools)

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Complaints Overview

This document has been produced to assist headteachers, schools' 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, 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) required 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 them 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.

In line with existing arrangements the Local Authority will continue to provide assistance and advice to schools and Chairs of Governing Bodies, where an agreement exists, as per the Service Level Agreement protocol. Should schools / Governing Bodies decide not take up the opportunity of such an agreement the parent will be directed to the appropriate school contact for resolution of his / her concerns, and the LA will have no further involvement in the process. (The exception to this is when a complaint is received relating to the headteacher. In this instance the existence of and SLA does not apply).

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 (SEN) 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 Safeguarding 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 the 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 be routed through 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 local 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.

Publishing a Complaints Procedure

This should be approved by the governing body, publicised in the school prospectus and other publications or, the school website, 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. **(See Appendix 1.)**

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. Schools should remain aware that under the Data Protection Act there is a requirement to keep actual names confidential.

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, GB has failed to communicate effectively or, that the concern has not been treated seriously or dealt with effectively.

The vast majority of concerns and complaints can and are resolved informally through the class teacher, office support 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. Any delay in responding to a parent can be costly in a variety of ways. Schools should note that:

- The larger the school the more careful governors should be to ensure clear guidance and training is given to staff.
- Routes of communication are clear for messages. For example, letter responses, meetings and feedback to senior management, should this be required, in order to track the progress of complaint.
- In an increasingly litigious society, recording and reporting systems also need to be regularly reviewed for their effectiveness.

Governing bodies have a responsibility to ensure procedures are regularly reviewed, and are encouraged to further develop their systems in other areas, including

- training for all staff
- reporting and recording procedures
- informing parents about school policies and practices and,
- the best methods 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 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:

- clarify the nature of the complaint and any unresolved issues;
- establish what has happened so far, and who has been involved;
- meet with the parent or, contact them (if unsure or further information is necessary);
- clarify what the parent feels would help address their concerns; (what the desired outcomes are).
- 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;
- ensure any interview is documented (see notes regarding this in Headteacher's Toolkit).

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 / will be taken to ensure that it will not happen again;
- a review of any decisions or 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 to coordinate 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 and provide a parental leaflet regarding complaints.
- 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. Schools should remember that any recorded conversation / notes, in any medium, can be sought by the complainant under the Data Protection Act and all staff should be made aware of this.

It is particularly helpful to establish the desired outcomes at an early stage. 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
- information on any further recourse through the chair of governors and / or, the contact details of the LA's Complaints Resolution Service.

Difficult Complaints

Vexatious complaints

In rare circumstances a complainant might, even after having exhausted the complaints procedure, persist with the complaint. In this instance the school / LA may consider the complaint vexatious.

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.
- 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.

If in doubt seek guidance from LA.

The Complaints Procedure

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

It is important to protect the rights of all parties and it is strongly recommended that the staged procedure is adhered to. Therefore, within this process, should any parent report a complaint to the chair of governors, individual governor or the LA the parent should always be directed in the first instance to the school for the matter to be considered by the teacher / headteacher.

If the parent, for whatever reason, does not wish to discuss the matter with the school, and contacts 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.

Where a complaint received by the LA relates to more generic incidents, for example, a school Leadership and Management or Standards, etc, the LA in consultation with the relevant services, head teacher and Chair of Governing Body, will decide on the most appropriate manner in which to respond.

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 three stages to the procedure, two informal and one 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

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

Some parents may want to access the complaints procedure via various routes (e.g. the LA, Councillors, Press etc) it is crucial to clarify the nature of their concerns and to route this through the above procedure starting with the school.

Stage 1 – Informal Resolution - School

We advise schools to place great emphasis on this informal approach to achieve a satisfactory resolution at the earliest opportunity for all parties. 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 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 pupil; many concerns can be allayed at this point with effective communication and care. Records should be 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 might have 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. In addition, in order that parents feel their complaint is being appropriately dealt with, it is important schools ensure that, in the process of achieving resolution, the parent has contact with as few members of staff as possible, thereby avoiding any possible misconceptions of *'being passed from pillar to post'*. 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 complaint should make sure that the parent is clear of any agreed action (including monitoring of the situation); putting this in writing 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 head teacher.

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 include 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 complaint and ensures the process remains the appropriate one to follow. In addition, that no other elements are involved, e.g. staff disciplinary, exclusion or, safeguarding issues. Complaints reaching this level can have developed from their initial concern to involve other elements, including the staff who may have handled the concern up to that stage.

Where a written complaint is received the headteacher should acknowledge this in writing within two school days. The acknowledgement letter should confirm the head's understanding of the exact nature of the complaint; 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 of receipt of the complainant's letter. If the complaint requires a more in-depth investigation, the headteacher will need to acknowledge this and let the parent know that a full response will take longer than usual, advising them of a date when the response can be expected.

As part of the investigation the Headteacher or, designated person, should take reasonable steps to interview those involved and any witnesses: recording any responses, which should be agreed and signed. 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 a parent or other complainant be allowed or, advised, to approach pupils 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 meeting, 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. A copy of the response should also be sent to the Complaints Resolution Service.

Local Authority Involvement

NB. please note that this involvement is dependant on the existence of a Service Level Agreement between the school and the Pupils, Parents and Schools Service

Whilst the majority of complaints are dealt with by schools, the LA can, and does, receive telephone and written complaints. Where a complaint is received, and it is established that there has been no involvement from the school, the complainant will be directed to the school. If the complaint is in writing the LA will acknowledge the complaint within two school days and forward any documentation to the school for the head teacher's attention. In any event the headteacher will be informed of the 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.

If the parent has had previous contact with the school regarding the matter, and expresses continued dissatisfaction at the actual or, lack of response from the school, 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 should be dealt with at Stage 1 or 2 of the informal process.

NB: In the case of complaints relating to Voluntary Aided Schools: the head teacher, chair and LA officer will consider 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.

Stage 2: Chair of Governing Body or Local Authority

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. If the parent remains dissatisfied with the headteachers response at stage 1, the complaint should progress to Stage 2.

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 working days. However, there may be occasions when, for a variety of reasons, parents are unable to put the request 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 Governing Body Involvement

The role of the chairperson at this stage is to ensure that the parents concerns are given due consideration. In doing so s/he should not merely reiterate the schools conclusions as this would not ultimately be a viable position for either the school or the parent if contested later. The chairperson at this stage has to carefully consider the progress of the concerns to date, what the school has done both to investigate the complaint and, to seek resolution with the parent. S/he will then assess if this has been sufficient and what else can be done to affect resolution of the matter. It could be that, as a result of this process, the school is considered to have treated the matter fairly and gone some way to attempt resolution; however the chair may also suggest an alternative course of action in order that the matter is brought to a successful conclusion.

Informal discussions between the chairperson and the headteacher to agree a way forward are very important at this stage and could help prevent any further escalation of the complaint. In addition the chairperson may also seek guidance and support from the LA. The timescale for acknowledging the complaint at this stage will be three school days. The letter should confirm the chair's 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. A full response should be made within 15 school days, however, 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, advising them of a date when the response can be expected.

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, the complainant. 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, have / will, be taken. It is highly recommended that, at this stage, parents are also advised of the remit of the complaints panel in relation to their particular complaint. A copy of the response should also be sent to the Complaints Resolution Service.

If the parent remains dissatisfied, in relation to the conclusion(s) of the chairpersons investigation 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.

Stage 3: Appeal to the Governing Body Complaints Panel

If following the above two informal stages the parent remains dissatisfied, they can request that the matter proceeds to the formal appeal stage of the process. It should be noted that, whilst this is the formal stage of the complaints process, the Governing Body complaint panel will base its judgements on the premise of the balance of probability and, therefore, will not reflect any such other formal appeals or investigational procedures generated under Police or Courts' processes.

Parents who wish to appeal to the governing body panel should be advised to request this in writing to the Complaints Resolution Service (CRS) within a maximum of 15 school days of receipt of the response letter from the chairperson at stage 2. The letter should outline the elements of the response they remain dissatisfied with. The CRS will, in turn, inform the school's Governor Support Officer (GSO). It is important to check again, that the complaint is still of a general nature and not covered by other existing procedures.

Within 5 school days of receipt of the request to proceed to stage three, the GSO should write and inform the parent, headteacher, chair of GB, any relevant witnesses, and members of the panel of the date, time and place, of the meeting, which should take place within 20 school days of the request. 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 the main issues relating to the complaint, how the meeting would be conducted and the parent's and school's right to submit further written evidence to the panel, returned to the GSO in sufficient time to enable it to be circulated to all parties at least 5 days prior to the meeting.

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 meeting and the GSO should communicate this to the relevant parties.
- The members of the complaints panel should be governors who have had no significant involvement with the complaint. This may include the chair of governors 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 invite the Head teacher and Chair of GB to prepare a written report for the panel in response to the complaint. This should cover the responses from those at stages 1 and 2 and any other relevant information. All concerned should receive any relevant documents including any witness statements taken (suitably anonymised) at least 5 school days prior to the meeting.

Meetings of this nature are confidential and, 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. Where schools have a SLA, an officer attending on behalf of the LA will be present to offer support to the panel regarding policy and procedures. 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 that the chair of the panel ensures 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: no fresh issues should be raised.

For more detailed guidance of the panel's proceedings please see Appendix 2.

The panel must ensure that a report and covering letter are produced and sent to the parent and headteacher within 15 school days of the meeting stating the decision(s) of the panel and the basis on which the decisions were made. Parents must be advised that the complaints panel appeal is the final stage of the school's complaints procedure and, should they remain dissatisfied, they can forward their complaint to the Secretary of State or the Local Government Ombudsman.

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

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. The LGO website can be accessed at: <http://www.lgo.org.uk/>

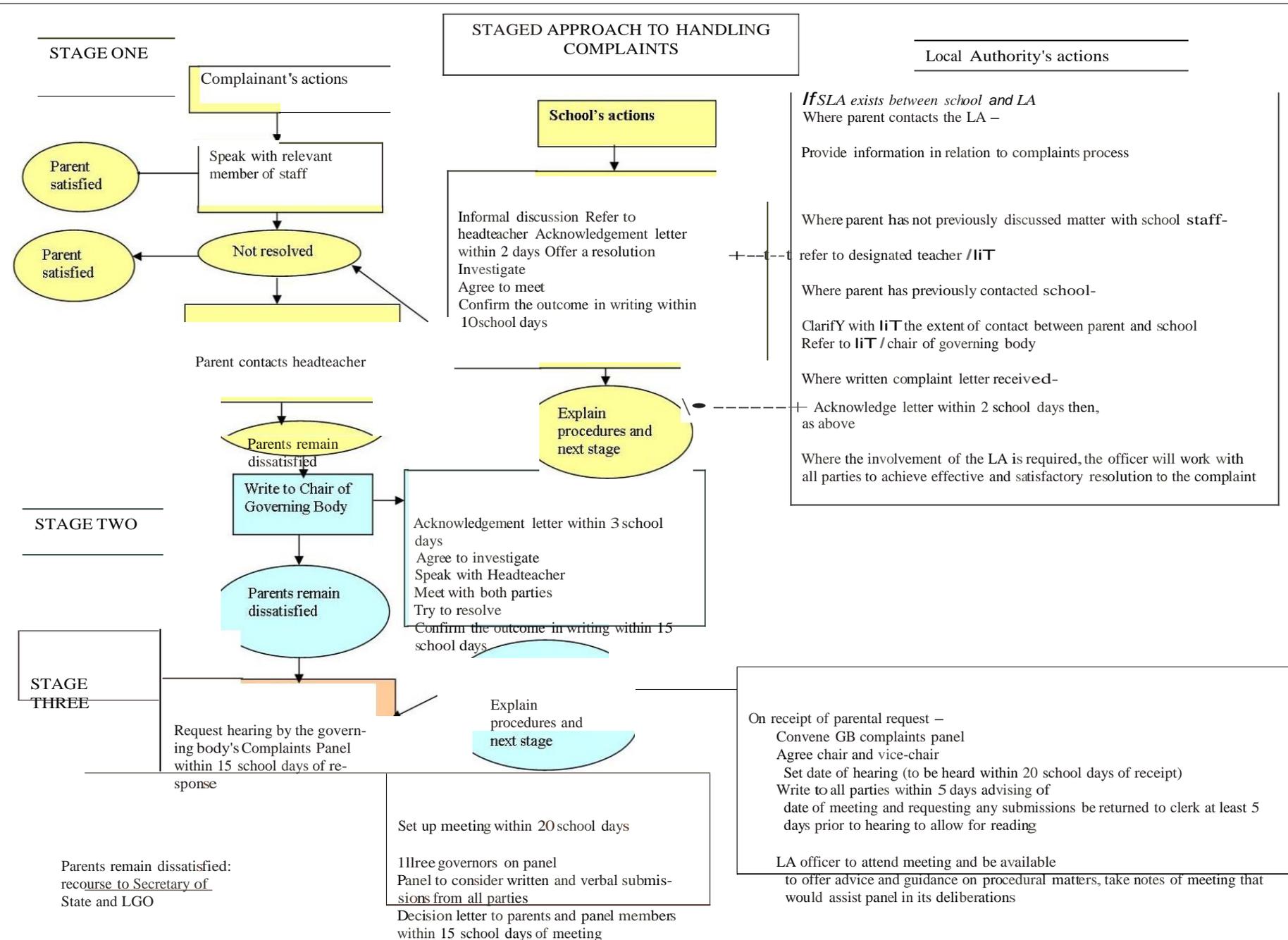
Withdrawal of Complaints

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 complaint panel meeting 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 a member of staff at a 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.



Appendix 1

Suggested Elements of a School's Published Complaints Procedures

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)

- How 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 will do
- What timescale will be adhered to.

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

- 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, Local Government Ombudsman or, Secretary of State.

Appendix 2

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 meetings are often of a very, personal and 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 and the chair if previously involved) 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 / 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 any issue within the body of the formal complaint does not fall within the remit of the panel, the members may still wish to make recommendations.

Governor Support Officer (GSO)

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

Complaints Panel Meeting

Before the meeting

A copy of the agenda, the complaint, and any submissions from the parent and school should be sent to relevant parties and members of the complaints panel at least 5 school days before the meeting. Each governor should 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 will organise a substitute. It is essential to withdraw as early as possible at this stage so that an appointed reserve member can be contacted.

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 meeting, 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 meeting;
- 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 meeting 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 meeting 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.

Careful consideration needs to be given to the timing of the meeting and the projected length in order that equal regard can be given to both the school's and parent's cases.

Meeting Programme (Send this out with letter)

1. Apologies.
2. Invitation to parent (with friend / interpreter), headteacher and chair of GB to join meeting and introduction to governors.

3. Introduction and explanation of procedure, including the confidential nature of the process. The panel chair to confirm the order of the procedure, summarise the issues of the complaint, set the timescales for the meeting and the maximum length of each contribution so there is both equity in the presentations and time left for the panel to deliberate and summarise their response towards the end of the meeting.
4. To note the role of the LA Officer at the meeting.
5. Parent's presentation and any witness's information
6. Opportunities for questions from headteacher and panel. (witnesses should then be asked to leave)
7. Headteacher's response and any witness's information
8. Opportunities for questions from parent and panel. (witnesses should then be asked to leave)
9. Any further questions or points from any of the parties.
10. Opportunity for summing up by parent.
11. Opportunity for summing up by headteacher.
12. Summing up by the chair. All informed that the panel will now deliberate and agree the process for the compilation of the final report to parents. Parents and school are informed of timescales for this.
13. Parent and headteacher asked to leave meeting.
14. To decide on the complaint the panel can: -
 - Uphold the complaint in full
 - Uphold it in part, or
 - Dismiss it.
15. 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.
16. To remind all concerned that any information exchanged is of a confidential nature and, therefore, should not be shared outside the meeting.

The chairperson should take control of the meeting using his / her judgement to move the meeting on when necessary, and aim towards a resolution based on the written and oral evidence presented at the meeting. Should the chair feel that the timescale for the meeting is inadequate they can extend the meeting and / or reconvene. The chair will have to be reassured that this does not disadvantage any party or, be seen to go against reasonableness with regard to length of time taken and normal concentration spans.

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 meeting 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. Make it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.

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.

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. The timings for this should be reasonable and equitable allowing the panel adequate timing for questions and deliberation. 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 meeting 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 meeting 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 meeting.

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 meeting that the panel will consider its decision, and a written response will be sent to both parties within 15 school days. The parent and the headteacher should then leave. The panel may take the opportunity at this stage to seek further information to help with the decision making process.

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

- dismiss / uphold the complaint in whole or, in part;
- decide on the appropriate action to be taken to resolve the complaint;
- make any recommendations regarding changes to the school's systems or, procedures to ensure that problems of a similar nature do not recur.
- Where any issue falls outside the remit of the panel that they seek advice on how best to proceed or refer to the appropriate process.

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 LA Officer, where party to the SLA, should take notes of the meeting which can be used by the panel in its consideration of the matter and, the compilation of its report. The report should record the main aspects of the complaint, the decision reached by the panel and any recommendations made.

The Governor Support Officer or LA officer where agreed, should send a copy of the report and covering 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 should remain confidential.

Example: 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, _____

Sample Parental Complaint Form

Complaints Form When we receive a complaint, we aim to acknowledge its receipt within 2 days and send a full or, interim response within 10 days.	
Name of parent / carer
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:
<i>Data Protection Act - We will only process your personal data to respond to your complaint. In general, this data will be used for administrative and statistical purposes.</i>	

Appendix 3

Complaints Against the Headteacher

NB. This element of the service is not subject to the purchase of the SLA

This part of the process relates specifically to complaints about the general conduct / manner or, actions of the headteacher and does not form part of the overall staged complaints procedure in that the complaint goes directly to the chair of the Governing Body. 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.

Advice to parents should encourage, where parents feel able, to have preliminary discussions with the 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. Alternatively the parent may contact the LA direct.

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 procedures. 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 and representative.
- provide a response to the parent.

The chairperson should acknowledge the parent's letter within 3 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. A full response should be made within 15 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 other nominated person should oversee this. The chairperson may need to contact or meet with the parent in order to obtain / clarify specific points or gather 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 subsequently write to the parent and headteacher to indicate the outcome of the investigation, that:

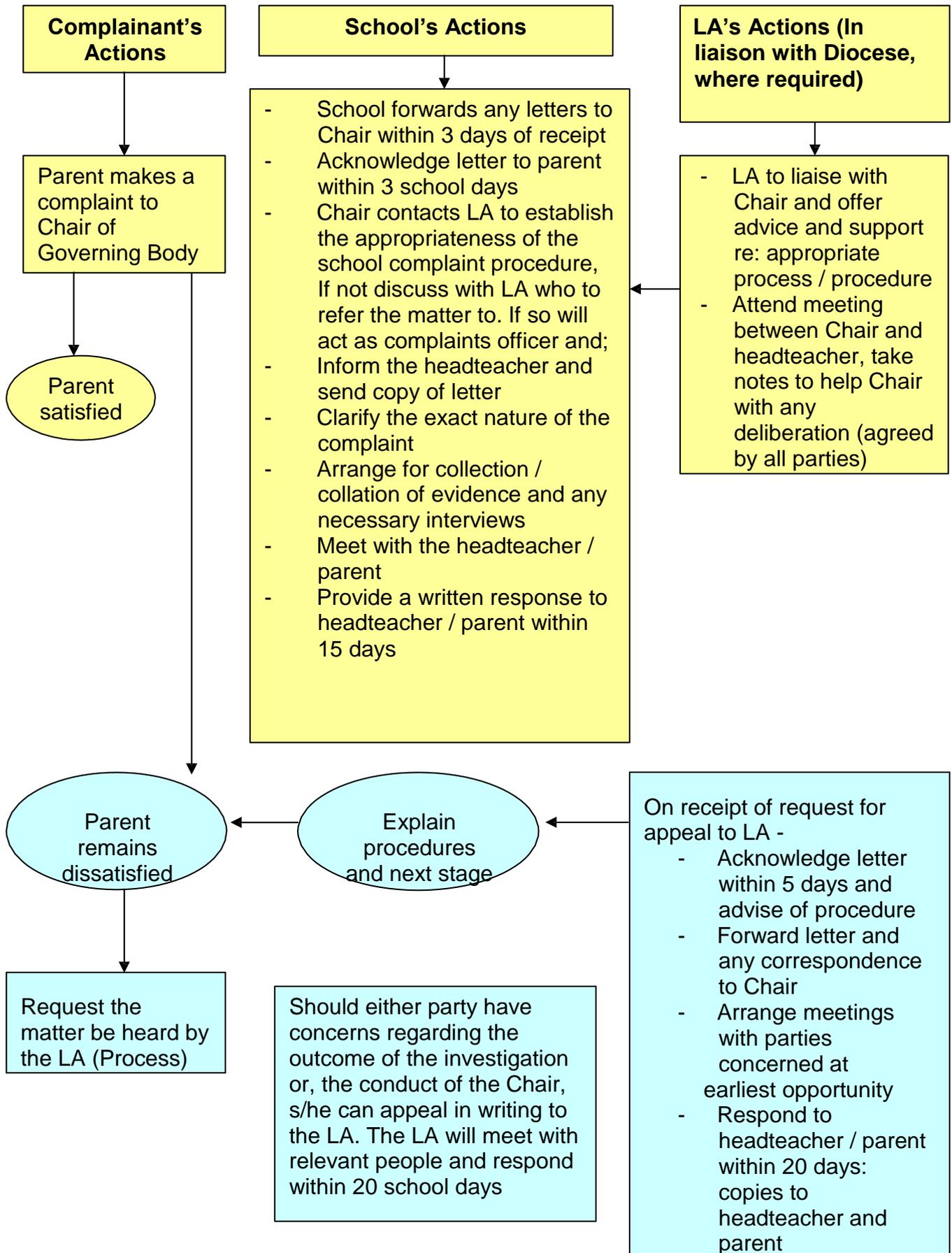
- the complaint is unsubstantiated and no further action will be taken or,
- the complaint is justified in whole or in part and the head informed of what action will result

In addition, advise them of their right of appeal against either the decision or, the conduct of the chair's investigation.

Right of Appeal to the Local Authority

Should the head teacher / parent remain dissatisfied with the outcome or conduct of the chair's investigation, an appeal should be made in writing to the Corporate Director CYPD. The Director may allocate the matter to a senior officer with no previous involvement, who will then write to the head teacher / parent outlining the process to be followed. The senior officer will then review the appeal letter, paperwork and any submissions, and arrange meetings if necessary with the parties involved. Once any meetings have taken place, allowing time for deliberation, a response will be sent to all parties within 20 school days from the date of the final meeting. Parents should also be advised of their right of appeal to the Secretary of State or Local Government Ombudsman (LGO) if appropriate.

Complaints Against the Headteacher



Appendix 4

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 chair of the Governing Body. A formal complaint must be put in writing to the vice-chair of the Governing Body.

Parents should be advised to contact the vice-chair by the most available means, giving details of their concern and enclose any appropriate paperwork. However, depending on the circumstances the parent or, vice-chair may request the involvement of a third party to advise them in the resolution of the complaint, for example, the LA.

Investigation and response by the vice-chair of the Governing Body

The parent should write to the vice-chair, via the school. The letter 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 vice-chair. However, where a letter is received, addressed to the vice-chair, it should be forwarded to him / her **within three school days** of receipt.

On receipt of the letter the vice-chair 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 procedures. If the complaint does fall within the school's process the vice-chair will act as complaints officer.

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

- inform the chair 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 chair and friend / representative.
- provide a response to the parent

The vice-chair 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. A full response should be made within 15 school days. If the complaint requires an in-depth investigation, the vice-chair 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 vice-chair and consultation with the LA will be minimal (in most cases same day). S/he will be advised by the LA to notify the chair immediately. In order to further reduce any delay it is important, therefore, that letters are forwarded by the school as soon as possible.

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

The vice-chair will outline the complaint during the meeting with the chair (the chair is entitled to be accompanied at this stage). The chair 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 vice-chair: to be agreed by all parties. The vice-chair, in consultation with the LA, will decide upon the action to be taken in response to the complaint and subsequently write to the chair to indicate the outcome of the investigation, that:

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

If the complaint is upheld and, in the opinion of the vice-chair, the actions of the chair fulfil the criteria sufficiently to evoke consideration as to whether to remove or, suspend the chair from the position within the governing body or, to remove the chair as governor altogether, the matter should be referred to the full governing body for its consideration. If the above involves a Local Authority appointed governor or Foundation Governor a recommendation by the governing body to remove or, suspend, should be made via the school's Governor Support Officer who will notify the Governor Service Manager. In turn the matter will be raised with the relevant party representative for his / her consideration.

Appendix 5:

Useful Contacts

Barry Kirkman, Service Manager, Parents and Schools Support	0161 474 3842
Devon Sherwood, Complaints Resolution Manager	0161 474 3895
Lisa Cantwell, Complaints Officer	0161 474 3938
Kate McDonagh, Access to Records Officer	0161 474 3841
Pat Morgan, Head of Service, Pupils, Parents and Schools	0161 474 3917
Parent Partnership Service	0161 477 6648
Governor Services – Libby Evans	0161 474 3847

Useful Websites:

Stockport Council Website

www.governor.net – Website for school governors

Department for Children Schools and Families (DCSF)

<http://www.lgo.org.uk/> - Local Government Ombudsman