

Responding to concerns about Surrey County Council Schools

Guidance for schools

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Procedure for Surrey County Council Schools

Introduction

This guidance is being reissued in the autumn term 2015 to reflect national legislative changes and local updates.

This guidance, developed in consultation with stakeholders, is intended to be a good practice guide that will apply to most general complaints received by schools. The aim of this procedure is to seek a resolution to any complaint and to restore positive relationships. In the case of parental complaints the aim should be to arrive at a resolution that is in the best interests of the pupil.

The 2002 Education Act placed a duty on school governing bodies to establish procedures for handling general complaints about their school. Schools must ensure these procedures are publicised to parents and others. It is the responsibility of the school to manage its own complaints and Surrey County Council currently has no over-riding role other than to give advice, except in the circumstances outlined overleaf.

Academies and independent schools are not maintained by Surrey County Council, and will have their own complaints procedures.

Area Schools Support Service contact details

For further advice on these procedures please contact:

North East

Caroline Marden (Substantive)
Jane Van den Broeke (Interim June-Dec 2015)
Area Schools Officer
Telephone: 01372 833412
Email: caroline.marden@surreycc.gov.uk
Email: jane.vandenbroeke@surreycc.gov.uk

South East

Ann Butters (Substantive)
Sharon Hedgecock (Interim June-Dec 2015)
Area Schools Officer
Telephone: 01737 737960
Email: ann.butters@surreycc.gov.uk
Email: sharon.hedgecock@surreycc.gov.uk

North West

Sue Eckett
Area Schools Officer
Telephone: 01483 518104
Email: sue.eckett@surreycc.gov.uk

South West

Denise Hannibal
Area Schools Officer
Telephone: 01483 519673
Email: denise.hannibal@surreycc.gov.uk

Procedure for Surrey County Council Schools

Introduction (continued)

These types of complaint are subject to other statutory procedures that are separate from this general complaints procedure:

Complaint by a Member of School Staff	School Grievance Procedure. For further information contact the school.
Pupil Exclusion	Right to make representations about fixed term exclusion to Governors' Pupil Discipline committee. Where there is an unresolved dispute regarding a fixed term exclusion involving an allegation of disability discrimination the complainant has the further right of appeal to First-Tier Tribunal (Special Educational Needs and Disability, (SENDIST)). Right of review to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Service via the Surrey County Council Contact Centre on 03456 009 009.
Admission to School	Surrey County Council's policy on school admissions with right of appeal to independent panel if admission refused. For further information contact the School Admissions Team via the Surrey County Council Contact Centre on 03456 009 009.
Child Protection/Safeguarding	Surrey Safeguarding Children Board procedures apply. For further information contact the Surrey County Council Contact Centre on 03456 009 009.
Statements of Special Educational Needs (SEN) / Education, Health and Care Plans (EHCPs)	Surrey County Council's statutory assessment procedures apply. For more information contact the SEN Management Team via the Surrey County Council Contact Centre on 03456 009 009.
Freedom of Information and Data Protection	Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 only of the complaints procedure should be completed (see page 26). This will ensure that the complainant has access to further action via the Information Commissioner's Office (www.ico.org.uk) within appropriate timescales.

Introduction (continued)

<p>Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010.</p> <p>Protected Characteristics are:</p> <ul style="list-style-type: none">• Disability• Gender reassignment• Pregnancy and maternity• Race• Religion or belief• Sex• Sexual orientation	<p>The complaints procedure applies, but complainant has further right of appeal to SENDIST for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics.</p> <p>The complaints procedure and the First-Tier Tribunal procedure can run in parallel.</p>
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Procedure for Surrey County Council Schools

General principles

- The aim of these guidelines is to explain the rights and responsibilities of pupils, parents and school staff and to recognise that responsibilities rest with each of these.
- A separate guidance document specifically for parents/carers and general complainants has been produced to accompany this guidance for schools. *Responding to concerns about Surrey County Council Schools - Guidance for parents, carers and the general public* is available on the Surrey County Council website (www.surreycc.gov.uk), or by contacting the Area Schools Support Service or the Surrey County Council Contact Centre on 03456 009 009. A short leaflet called *A Brief Guide to School Complaints* is also available.
- All complaints should be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be investigated impartially and dealt with as quickly as possible.
- The school must publicise its complaints procedure and it should be easily accessible, e.g. via the school office and website.
- To comply with equalities legislation schools should be sensitive to the individual needs and circumstances of the complainant. No-one should be excluded from the complaints system because of any difficulties they may have in representing themselves.
- Schools should recognise that some people will need help in pursuing their complaint and consideration should be given to putting complainants in touch with a suitable agency which can help them, e.g. Surrey Parent Partnership; Race Equality and Minority Achievement Team; Area Schools Support Service, Citizens Advice Bureau.
- If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.
- The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the governing body will consider this as a separate action.
- Confidentiality must be maintained at all times by all concerned. All conversations and correspondence must be treated with discretion. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully and fairly. Parents must feel confident a complaint will not disadvantage their child.
- Schools should be mindful of the Data Protection Act and not disclose personal information relating to third parties, e.g. pupils, parents, staff etc.

Procedure for Surrey County Council Schools

General principles (continued)

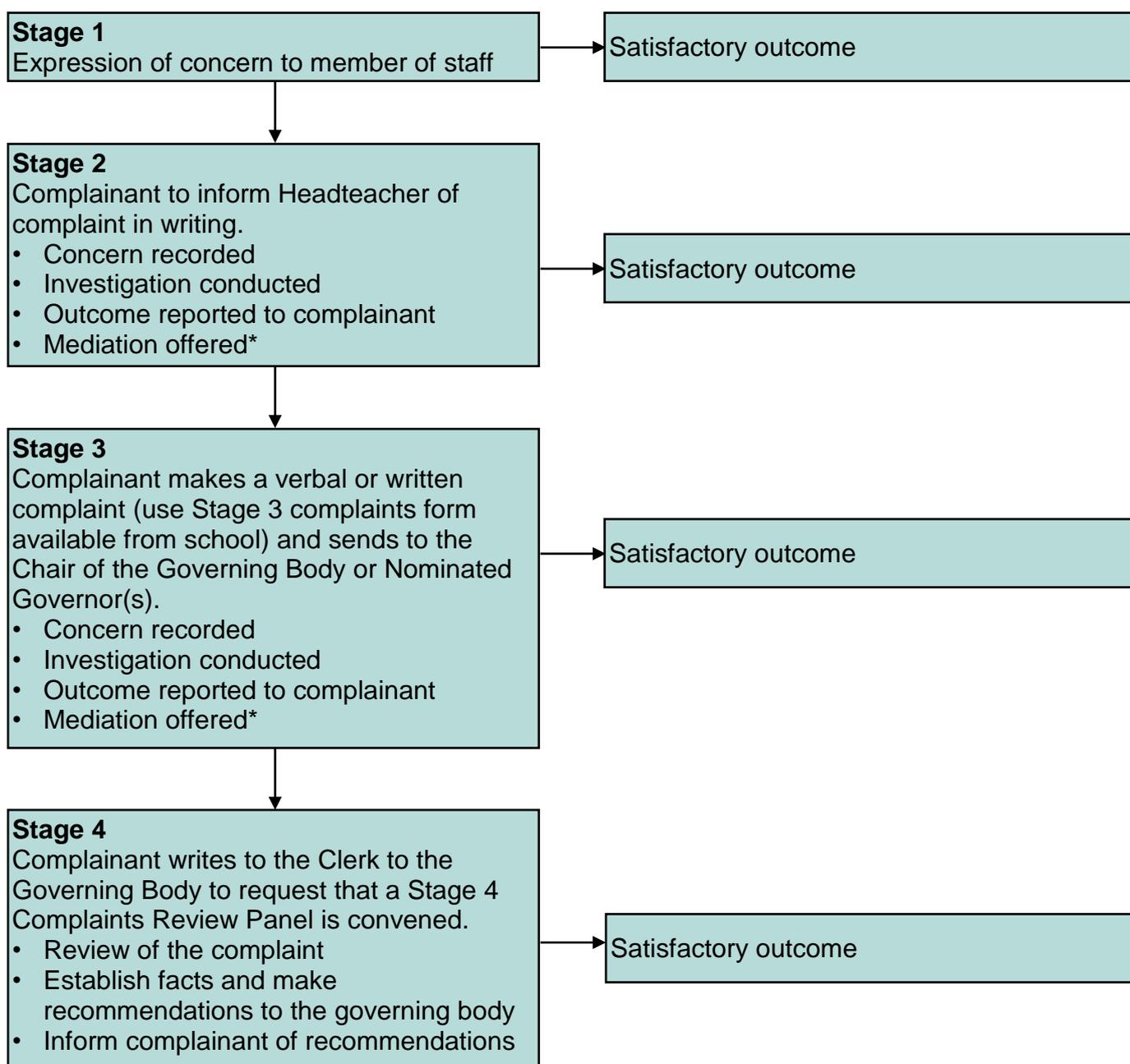
- Staff and governors should take part in training to raise awareness of the school's procedures and to develop their skills in dealing with complaints. Please contact the Area Schools Support Service for further information.
- All complaints should be recorded, monitored and evaluated by the school. The frequency and type of complaints should be presented to the governing body in the Headteacher's report. However, this should not contain details of individual complaints.
- Further guidance on dealing with complaints can be provided by the Area Schools Support Service as part of their traded service to schools.
- Anonymous complaints, whilst difficult to manage and resolve, should be recorded and referred to the Headteacher or Chair of the Governing Body in the same way as other complaints. The fact that a complaint is from an anonymous source should not in itself justify a decision not to pursue the matter; nor should it rule out referral to other procedures as appropriate, e.g. child protection.
- Headteachers and governors must be prepared to investigate and review complaints up to six months after the event and even after a pupil has left the school.
- In cases where parents/carers have raised concerns about the school on social networking sites (eg Facebook), the Headteacher may wish to refer to the SCC guidance *Dealing with Adverse Comments and Complaints against Schools on Social Networking Sites, Summer Term 2014*.
(In the parent's version of the complaints guidance, in the General Principles section, they are advised that using social networking sites is not an appropriate way of progressing a complaint.)
- N.B. Throughout this guidance, when numbers of days are specified, this refers to school working days.

Procedure for Surrey County Council Schools

Flow chart

Model procedure for dealing with general complaints

If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.



* Mediation is offered to schools that purchase the Area Schools Support Service

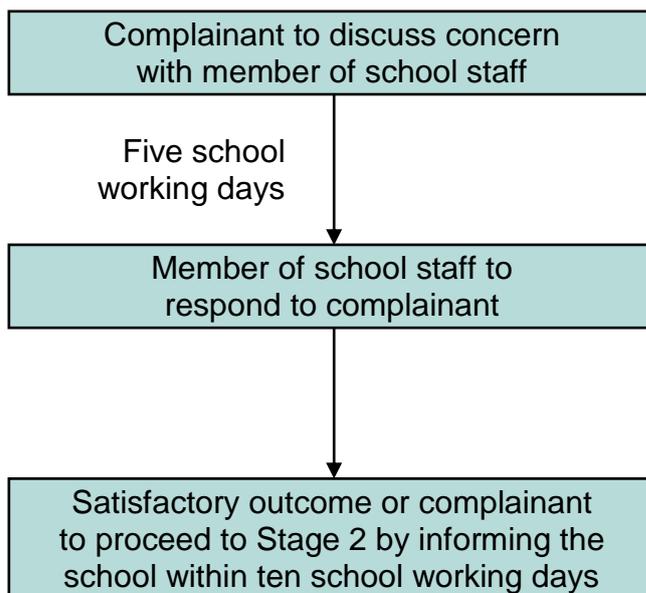
Stage 1

Discuss concern with member of school staff

Stage 1 - Discuss concern with member of school staff

1.1 Flow chart

Discuss concern with member of school staff



Stage 1 - Discuss concern with member of school staff

1.2 Guidelines

- 1.2.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or appropriate senior leader, e.g. Head of Year, Deputy Headteacher or the Headteacher. Where complainants approach a governor at this stage, the governor should refer them to the most appropriate member of staff and inform the Headteacher.
- 1.2.2 Parents/carers must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a complainant and schools should be sensitive to the needs of individuals. At first it may be unclear whether the complainant is asking a question or expressing an opinion rather than making a complaint. A complainant may want a preliminary discussion about an issue to help decide whether he/she wishes to take it further.
- 1.2.3 To ensure confidentiality concerns should be heard in private at an appropriate time and not where pupils, staff or parents can overhear.
- 1.2.4 Where there are concerns about abuse, threats or violence from a complainant towards school staff, please see the separate Surrey County Council guidance *Keeping Schools Safe* (available from the Area Schools Support Service).

Stage 1 - Discuss concern with member of school staff

1.3 Procedure

- 1.3.1 Complainants need to be given an opportunity to discuss their concerns with the appropriate member of staff who can clarify the nature of their concern and reassure them that the school wants to hear about it. The member of staff may explain to the complainant how the situation arose. It may also be helpful at this point to identify the sort of outcome the complainant is seeking.
- 1.3.2 The member of staff should respond appropriately, taking into account the seriousness of the complaint. In many cases this will lead to immediate resolution of the issue.
- 1.3.3 If the member of staff first contacted cannot deal immediately with the matter, or if he/she needs to refer the matter to someone else, he/she will need to make a clear note of the date, name and contact address/phone number of the complainant. In either case the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily - usually within five school working days.
- 1.3.4 Where the concern relates to the specific actions of the Headteacher, the complainant should be given the opportunity to meet with the Headteacher, if appropriate, to resolve the problem. In some circumstances the complainant may prefer to contact the Chair of the Governing Body; this should be respected.
- 1.3.5 Where the concern relates to the conduct of a school governor a recommended protocol is available in section 6 of this guidance.
- 1.3.6 The staff member dealing with the complaint should make sure that the complainant is clear what will happen next. This should be put in writing only if it seems the best way of making the outcome clear.
- 1.3.7 Where a response has been received but is considered to be unsatisfactory, then the complainant should inform the Headteacher within ten school working days that they wish their concern to be considered further. The Headteacher should advise them how to proceed with their complaint and about any independent advice available to them.
- 1.3.8 At this stage, the school may wish to consult their Area Schools Support Service for advice on how to proceed.
- 1.3.9 A copy of Surrey County Council's guidance *Responding to concerns about Surrey County Council Schools - Guidance for parents, carers and the general public* may be provided to the complainant.

Stage 1 - Discuss concern with member of school staff

1.4 Sample letters

Acknowledgement and outcomes by school staff

Dear <insert name>

I acknowledge receipt of your letter dated <insert date>.

Further to our meeting on <insert date>, I wish to confirm the outcome of our discussion.

<insert summary of discussion and outcomes>

I hope that you are satisfied that your concerns have been dealt with appropriately. However if you are dissatisfied with the outcome please contact me to discuss the matter further within ten school working days. Alternatively you may wish to express your concern in writing to the Headteacher within ten school working days (should you require assistance please contact the school office). I enclose a copy of the guidance *Responding to concerns about Surrey County Council Schools - Guidance for parents, carers and the general public* for your information.

Yours sincerely

<insert job title>

Cc: <insert Headteacher's name>

Enc: Responding to concerns about Surrey County Council Schools - Guidance for parents, carers and the general public

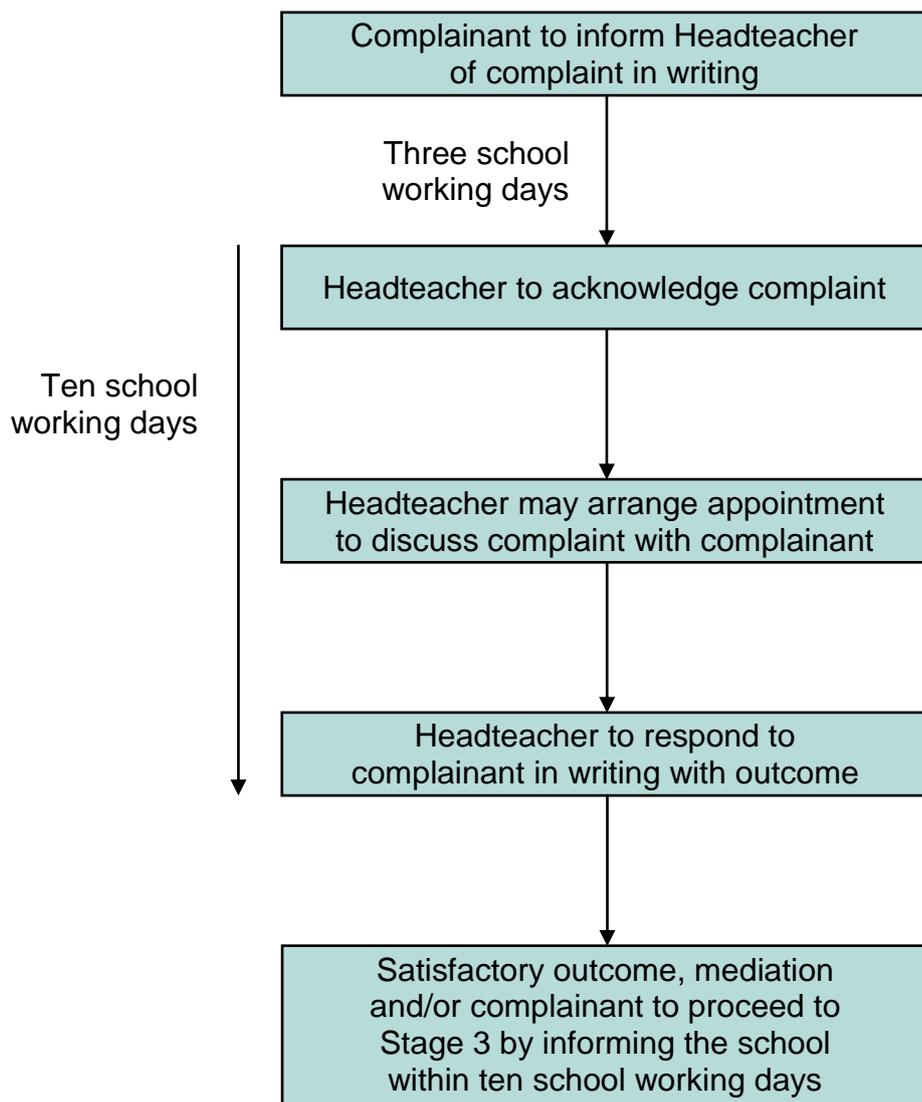
Stage 2

Consideration by the Headteacher

Stage 2 - Consideration by the Headteacher

2.1 Flow chart

Consideration by the Headteacher (or other appropriate person)



Stage 2 - Consideration by the Headteacher

2.2 Guidelines

- 2.2.1 As Headteachers have responsibility for the day-to-day running of their schools they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at the various stages. One of the reasons for having the various stages in a complaints procedure is to reassure the complainant that more than one person is hearing their complaint.
- 2.2.2 Headteachers will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher makes contact with complainants at Stage 2. Even at this stage the Headteacher may delegate another member of staff to collect some of the information from the various parties involved.
- 2.2.3 The Area Schools Support Service may be consulted for advice by both the school and the complainant.

Stage 2 - Consideration by the Headteacher

2.3 Procedure

- 2.3.1 Where the complaint is against the Headteacher, the matter should be referred to the Chair of the Governing Body to deal with at Stage 3.
- 2.3.2 Stage 2 complaints should be in writing unless the complainant is unable to express the complaint in written form (advice is available from the Area Schools Support Service).
- 2.3.3 The complainant's letter should be acknowledged in writing within **three school working days** of receiving the Stage 2 complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will usually be within **ten school working days**. Where this is not possible, a letter should be sent to the complainant explaining the reasons for the delay and giving a revised target date.
- 2.3.4 The Headteacher (or designated member of staff) should offer an opportunity for the complainant to meet with him/her to supplement any of the information provided previously. It is recommended that the Headteacher meet the complainant with another member of staff present (not a governor) to record the discussion. The Headteacher may wish to invite the Area Schools Officer to such a meeting. It will need to be made clear to the complainant that they can, if they wish, be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf. They must, however, inform the school whom they intend to bring to the meeting. The school should facilitate interpreting facilities, if required - the Area Schools Support Service may be able to advise on this point.
- 2.3.5 Headteachers should note that if they choose to involve a governor at this stage it would preclude that governor being involved at a later stage of the complaints process.
- 2.3.6 The Headteacher will establish the relevant facts by interviewing and requesting written statements (which should be signed and dated) from those involved. It should be noted that any written information could subsequently be requested under the Freedom of Information Act/Data Protection Act. The Area Schools Support Service can offer advice in these circumstances. If the complaint centres on a pupil, the pupil should also be interviewed. When pupils are interviewed in a formal situation, the pupil's parents should be invited to be present. If this is not possible then a member of staff who is known and trusted by the pupil should be invited to attend. Depending on the age of the pupil(s), written statements may also be requested.

N.B. If the complaint relates to a child protection concern there is a different set of procedures, which MUST be followed (Surrey Safeguarding Children's Board Procedures).

Stage 2 - Consideration by the Headteacher

2.3 Procedure (continued)

- 2.3.7 Once all relevant facts have been established, the Headteacher will then produce a written response to the complainant and he/she may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. Where it is considered that disciplinary action may be required (either for a pupil or a staff member), the complainant should be informed that this information will remain confidential to the school and cannot be disclosed to them.
- 2.3.8 Should the complaint not be resolved mediation may be helpful. This can be arranged through the Area Schools Support Service, and will be impartial and objective.

Obtaining Witness Statements - notes for Headteachers

When taking a statement it is desirable that the witness writes this him/herself using their own words. If this is not possible a scribe can be used but the statement should be read back to the witness. Statements should be signed and dated.

Statements should be produced as soon after the event as possible to provide a clear recollection of the matter. Witnesses should not be asked leading questions in order to stimulate a particular response from them; however, open questions may be used to obtain sufficient detail from a witness, if they are unable to provide a full written account.

Witnesses who are providing statements should not be allowed to corroborate their accounts of an event. It is desirable for them to be kept apart prior to the production of statements.

Some parents/carers may be reluctant for their child to provide a witness statement in certain circumstances and it is suggested that Headteachers use their discretion and check this with parents/carers beforehand.

Stage 2 - Consideration by the Headteacher

2.4 Sample letters/forms

Acknowledgement and meeting offer by Headteacher

Dear <insert name>

I acknowledge receipt of your letter dated <insert date>. <insert school name> takes all complaints seriously, please be assured that I shall investigate the matter fully and should be in a position to respond to you by <insert target date for response>.

I enclose a copy of the guidance *Responding to concerns about Surrey County Council Schools - Guidance for parents, carers and the general public* for your information.

Optional Paragraphs:

It may be helpful if I could meet with you to clarify details of your concerns before my investigation. May I suggest we meet at the school office on <insert date> at <insert time>. Please confirm you will be able to meet me at the school office. At the meeting a mutually agreed date will be agreed for my full response to your concerns.

You may wish to be accompanied to the meeting by a friend, representative or advocate. <insert school name> is committed to promoting equality and diversity; should you require further assistance please contact the school office. I would be grateful if you would confirm that you are able to attend, the name of any person who will accompany you and the capacity in which they are attending (e.g. friend, interpreter etc.).

I look forward to meeting you.

Yours sincerely

<insert job title>

Enc: Responding to concerns about Surrey County Council Schools - Guidance for parents, carers and the general public

Stage 2 - Consideration by the Headteacher

2.4 Sample letters/forms (continued)

Final response to complainant by Headteacher

Dear <insert name>

Further to our meeting on <insert date> **OR** Further to your letter dated <insert date>. I have now had an opportunity to investigate your concerns and am able to report the following:

<insert a summary of concerns raised, investigation and outcomes>

I hope that you are satisfied that your concerns have been dealt with appropriately. However if you are dissatisfied with the outcome please contact me to discuss the matter further within ten school working days or contact the school office to obtain a Complaint Form that you must return to the Chair of the Governing Body within ten school working days (should you require assistance please contact the school office).

For independent information and advice on how to proceed with your concern please contact the Area Schools Support Service via the Surrey County Council Contact Centre on 03456 009 009.

Yours sincerely

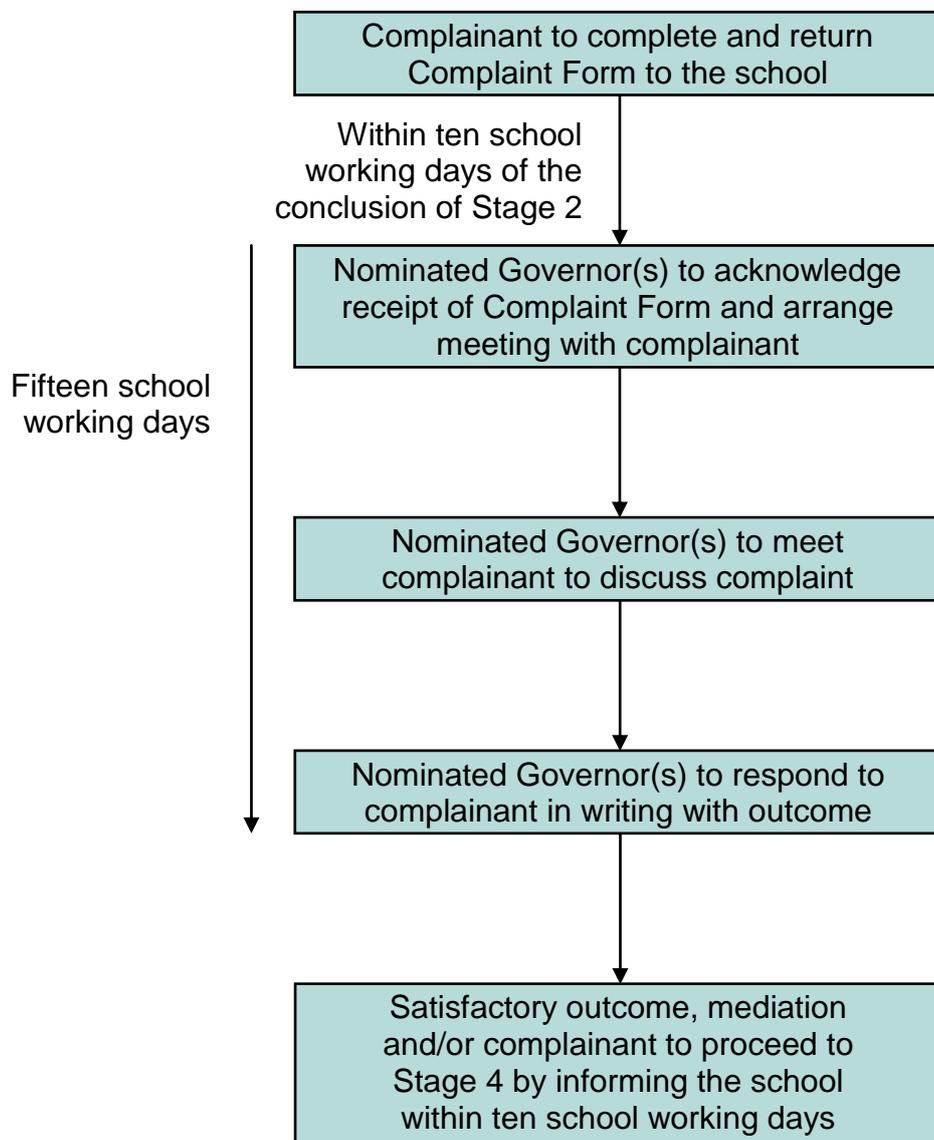
<insert job title>

Stage 3

Consideration by the Nominated Governor(s)

Stage 3 - Consideration by the Nominated Governor(s)

3.1 Flow chart



Stage 3 - Consideration by the Nominated Governor(s)

3.2 Guidelines

- 3.2.1 If a complaint is against the actions of the Headteacher, or if the Headteacher has been unable to resolve the issues to the satisfaction of the complainant, the complainant should complete the Stage 3 Complaint Form supplied by the school. This form should be made available from the school office and/or website (see sample form on page 29). Assistance with this is available from either the school or the Area Schools Support Service.
- 3.2.2 It is in the interest of all parties concerned to try and resolve the complaint at this stage. If a decision is taken to move to Stage 4 the process inevitably becomes more adversarial.
- 3.2.3 The Chair of the Governing Body must decide who will investigate the complaint at Stage 3. He/she may choose to delegate the management of the complaint to the Nominated Governor(s). This person will be precluded from hearing the complaint at Stage 4. There are a number of reasons why the Chair of the Governing Body may delegate the matter to the Nominated Governor(s). For example they may be unable to give the necessary time to the complaint due to other commitments, or having the Nominated Governor(s) at this stage may reassure the complainant that an impartial person is carrying out the investigation.
- 3.2.4 The Area Schools Support Service should be notified of any complaint reaching this stage. This is to ensure that the school receives appropriate guidance, to reduce the risk of litigation against the school or Surrey County Council. Support and procedural advice can also be offered to the Nominated Governor(s) by the Area Schools Support Service for schools that purchase the service.
- 3.2.5 The Nominated Governor(s) must be in a position to prioritise the investigation at this stage to ensure its timely resolution. The Nominated Governor(s) have a responsibility for implementation of the school's complaints procedure and are acting on behalf of the governing body in this regard.
- 3.2.6 The Nominated Governor(s) are reminded that this is a confidential process and information should not be shared with parties other than those directly involved with the complaint - this includes other governors who may have to be involved at a later stage. The Nominated Governor(s) must be mindful of the Data Protection Act and not disclose personal information relating to third parties, e.g. pupils, parents and staff.
- 3.2.7 Where a complainant seeks an internal review of a response to a Freedom of Information or Data Protection Act request, Stage 3 is the final stage of the complaints procedure. It is recommended that two governors, with no previous involvement in the matter, undertake the internal review and ensure that the complainant is provided with details of next steps i.e. that if the complainant remains dissatisfied following the internal review; they have access to further action via the Information Commissioner's Office website (www.ico.org.uk).

Stage 3 - Consideration by the Nominated Governor(s)

3.3 Procedure

- 3.3.1 The complainant should complete the school's Stage 3 Complaint Form. This is helpful in clarifying the individual aspects of the complaint and/or to highlight any outstanding issues unresolved at Stage 2, as well as indicating the complainant's desired outcome. The form must be sent to the Chair of the Governing Body who will either investigate the complaint or nominate a governor to do so. If the complainant requires assistance in completing the form this must be facilitated.
- 3.3.2 For complex complaints, the school may find it helpful to record the progress of the complaint using a log or timeline.
- 3.3.3 The Nominated Governor(s) will acknowledge receipt of the form in writing to the complainant within **five school working days** and give a target date for providing a response. This will usually be **within fifteen school working days** of receipt of the complaints form, although more complex complaints may take longer to investigate. Where the target date cannot be met a letter should be sent to the complainant explaining the reasons for the delay and revising the target date.
- 3.3.4 It is advisable for the Nominated Governor(s) to offer to meet with the complainant. The aim of this meeting is to clarify aspects of the concern, seek further information, and identify desired outcomes before embarking on an investigation (see page 32 for advice on investigation). For schools purchasing the Area Schools Support Service it is advised that the Nominated Governor(s) consults with the Area Schools Officer at this stage.
- 3.3.5 It is good practice to have a clerk/ note taker at the meeting to make a written record of the key points. This would be useful evidence should the complaint escalate to Stage 4.
- 3.3.6 The Nominated Governor(s) should remember that the complainant could, if they wish, be accompanied to any meeting by a friend, relative, representative or advocate. The school should support the complainant in seeking interpreting or advocacy services if they are required. The Area Schools Support Service may be able to advise on this point.
- 3.3.7 It is important for the Nominated Governor(s) to remain objective whilst conducting the investigation.
- 3.3.8 Any correspondence or written statements relating to the complaint should be made available to the Nominated Governor(s). The Nominated Governor(s) should then discuss the issues with the Headteacher and/or other members of staff. On the basis of the written evidence and discussions the Nominated Governor(s) may require the Headteacher to obtain further evidence or written statements from staff or pupils.

Stage 3 - Consideration by the Nominated Governor(s)

3.3 Procedure (continued)

- 3.3.9 Once all of the relevant facts have been established the Nominated Governor(s) should produce a written response to the complainant. The written response must include a full explanation of the decision and the reasons for it; where appropriate this will include the action the school will take to resolve the complaint. However, if a disciplinary process is indicated this information must not be shared with the complainant. The only information that can be shared is that “appropriate action has or will be taken”. The Area Schools Support Service can advise on a written response.
- 3.3.10 **An impartial mediation service is offered by the Area Schools Support Service as part of the purchased service to schools.** Headteachers and governors should consider whether it may be helpful to use this as part of the outcome of a Stage 3 complaint in order to restore positive relations between the complainant and the school.

Stage 3 - Consideration by the Nominated Governor(s)

3.4 Model complaints form

N.B. This form should be made available from the school office and/or website

<Insert School Name or Logo>

If you are not satisfied or feel that you have been unfairly treated, we would like you to indicate your concern.

It is, however, important that you attempt to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff or the Headteacher at the school.

If you have tried this and are still not satisfied with the response then please fill in all the sections of this form and return it to the Chair of the Governing Body, c/o the school address.

Please note that should the complaint refer to more than one incident, you should complete a separate form for each incident; this is to clarify individual responsibility and maintain confidentiality, should the case result in a formal hearing.

Your name:		
Your address:		
Your telephone numbers		
Home:	Work:	Mobile:
If applicable - Child's name and date of birth:		Your relationship to the child:

3.4 Model complaints form (continued)

Please give a brief description of your complaint:
When did you report the problem to the school?
To whom at the school did you report the problem?
What was the response?
Have you complained to the school about this before? Yes/No
If so, to whom and when?
What steps do you feel should have been taken by the school to resolve the matter?
What steps do you feel should now be taken by the school to resolve the matter?
Signature:
Date:

Stage 3 - Consideration by the Nominated Governor(s)

3.4 Model complaints form (continued)

THIS SECTION IS FOR SCHOOL USE ONLY

Date form given/sent to complainant:		Date form received by school:	
Complainant's name:			
Complainant's address:			
If applicable - Child's name and date of birth:		Complainant's relationship to the child:	
Complainant's telephone numbers			
Home:	Work:	Mobile:	
Nature of complaint:			
Actions taken to resolve complaint:			
Outcome of complaint:			
Date forwarded to Chair of the Governing Body for action:			
Any other comments:			
If applicable - Date forwarded to Stage 4:			

Stage 3 - Consideration by the Nominated Governor(s)

3.5 How to conduct an investigation - guidance for governors

The role of the Nominated Governor(s)

The role of the Nominated Governor(s) is to ascertain the relevant facts and evidence, report his/her findings and, if appropriate, make relevant recommendations. In particular, the Nominated Governor(s) should investigate whether relevant policies/procedures have been followed.

The Nominated Governor(s) must be seen to be impartial and objective. He/she must not take sides or make assumptions. An investigation is an impartial and thorough assembly and analysis of the facts and evidence. These will determine the conclusions reached. A thorough investigation at Stage 3 should minimise the possibility that the complainant will wish to precede to Stage 4.

Step 1 - Meeting with the complainant

The Nominated Governor(s) should acknowledge receipt of the complaint in writing to the complainant within **five school working days**. Within this letter, the Nominated Governor(s) should invite the complainant to a meeting.

For schools purchasing the Area Schools Support Service it is advised that the Nominated Governor(s) consults with the Area Schools Officer prior to this meeting. The Area Schools Officer can attend this meeting if all parties are agreeable.

It is good practice to have a clerk/ note taker at the meeting to make a written record of the key points. This would be useful evidence should the complaint escalate to Stage 4. If notes are taken, it should be borne in mind that they may be declarable under the Freedom of Information Act/Data Protection Act.

The aims of the meeting are:

- a) To define the complaint

The Nominated Governor(s) must understand exactly what they are being asked to investigate. This is a key part of any investigation and not always as simple as it sounds.

In order to understand what they are being asked to investigate, the Nominated Governor(s) needs to obtain the complainant's view of *what actually happened*. The Nominated Governor(s) then needs to determine what the complainant *was expecting to happen*. This may be very objective, such as a particular event at a particular time, or it could be subjective, such as "being treated in a fair and reasonable manner". The complaint will consist of an alleged gap between what was perceived to have happened and what was expected to happen.

Stage 3 - Consideration by the Nominated Governor(s)

3.5 How to conduct an investigation - guidance for governors (continued)

The Nominated Governor(s) should confirm with the complainant that the Stage 3 Complaint Form is an accurate representation of the main points of the complaint. This information will provide the framework for the investigation.

At this initial meeting, it is recommended that the Nominated Governor(s) should be in “listening mode”, i.e. seeking to understand the details of the complaint without making any judgments at this stage.

b) To clarify and manage the complainant’s expectations

It is important to establish at the outset what the complainant is hoping to achieve (e.g. an apology, changes to process/procedure). The Nominated Governor(s) should inform the complainant of the possible remedies within the complaints procedure. Possible remedies are likely to be limited to one or more of the following:

- A recommendation that relevant policies/procedures/working practices are reviewed
- A recommendation that the governing body should make an apology
- A recommendation that mediation should take place to improve relationships between parties

The Nominated Governor(s) should manage unrealistic expectations by explaining what falls outside the remit of the complaints procedure (e.g. exclusion of a pupil, staff disciplinary action).

The Nominated Governor(s) should inform the complainant of the process that will be followed and give a target date for providing a response (this will normally be within **fifteen school working days** of receipt of the Complaint Form). Where this proves to be not possible a letter needs to be sent to the complainant explaining the reasons for the delay and revising the target date.

This initial meeting can also be beneficial by providing the complainant with an opportunity to explain their concerns face-to-face. If a complainant feels that they have been listened to, they are more likely to be satisfied with the outcomes of the investigation.

If it is not possible to have an initial meeting with the complainant, then the Nominated Governor(s) will need to define the nature of the complaint from telephone discussions with the complainant and/or by using information provided on the Stage 3 Complaint Form, and any other previous correspondence.

Stage 3 - Consideration by the Nominated Governor(s)

3.5 How to conduct an investigation - guidance for governors (continued)

Step 2 - Gathering evidence

Written evidence:

Depending on the nature of the complaint it may be necessary to obtain some or all of the following:

- Copies of relevant school policy documents (e.g. anti-bullying policy, behaviour policy)
- A chronological list of events (e.g. meetings, conversations, support and interventions provided for a pupil). The Headteacher is likely to be best placed to provide this.
- Copies of relevant correspondence (letters, emails etc.)
- A list of all potential witnesses
- Copies of witness statements relating to a particular event. Nominated Governor(s) conducting an investigation at Stage 3 may wish to ascertain from the Headteacher how witness statements have been obtained.

Verbal evidence:

The Nominated Governor(s) should meet with the Headteacher in order to obtain information and clarify facts. The Nominated Governor(s) should review how the Headteacher investigated the complaint at Stage 2. If the Nominated Governor(s) feels that additional information is needed from other witnesses or members of staff, he/she should ask the Headteacher to obtain this and provide it to the Nominated Governor(s) in the form of written statements.

In some circumstances, the Nominated Governor(s) may feel that it is necessary to interview individual members of staff other than the Headteacher. In such cases, the Nominated Governor(s) is advised to contact the Area Schools Support Service for advice prior to the interviews.

It is not appropriate for the Nominated Governor(s) to interview a pupil, regardless of whether parental permission is obtained. Pupils can be asked to provide a written statement if required.

Stage 3 - Consideration by the Nominated Governor(s)

3.5 How to conduct an investigation - guidance for governors (continued)

Step 3 - Reaching a conclusion

Once all the evidence has been collected and analysed, the Nominated Governor(s) should consider the following points in relation to each aspect of the complaint:

- What happened using the balance of probability?
- What should have happened?
- If there is a difference between what happened and what should have happened, why is this the case? This aspect of the complaint should be upheld.
- If there is no difference between what happened and what should have happened, the complaint should not be upheld. However, the Nominated Governor(s) may be able to identify learning points or improvements to policies.
- Is there sufficient evidence to reach a conclusion? It may not be possible to establish the full facts regarding some aspects of the complaint. The Nominated Governor(s) should state when this has not been possible, and give reasons.
- If applicable - what should be done to put things right? What can be done to prevent a recurrence?

Step 4 - Communicating the outcome

This guidance includes a sample letter that can be used to inform the complainant of the outcome of the investigation. The Nominated Governor(s) may wish to consult with the Area Schools Support Service prior to writing to the complainant.

Stage 3 - Consideration by the Nominated Governor(s)

3.6 Sample letters

Acknowledgement and offer of meeting to complainant by Chair of the Governing Body or Nominated Governor(s)

Dear <insert name>

Thank you for the Complaint Form dated <insert date>. <insert school name> takes all complaints seriously; please be assured that I shall investigate the matter fully and provide you with a detailed response.

I would like to meet with you at school on <insert date> at <insert time> to enable you to talk through your concern. If this is not convenient, please contact the school office to arrange an alternative appointment. At the meeting a mutually agreed target date will be arranged for my response.

You may wish to be accompanied to the meeting by a friend, representative or advocate. <insert school name> is committed to promoting equality and diversity, should you require further assistance please contact the school office. I would be grateful if you would confirm that you are able to attend, the name of any person who will accompany you and the capacity in which they are attending (e.g. friend, interpreter etc.).

For independent information and advice on how to proceed with your concern please contact the Area Schools Support Service via the Surrey County Council Contact Centre on 03456 009 009.

I look forward to meeting you.

Yours sincerely

Chair of the Governing Body/Nominated Governor(s) (delete as appropriate)

Stage 3 - Consideration by the Nominated Governor(s)

3.6 Sample letters (continued)

Final response to complainant by Chair of the Governing Body or Nominated Governor(s)

Dear <insert name>

Further to our meeting on <insert date>. I have now had an opportunity to investigate your concerns and am able to report the following:

<insert summary of concerns, investigation and outcomes i.e. upheld, partially upheld or not upheld>

I hope that you are satisfied that your concerns have been dealt with appropriately. However if you are dissatisfied with the outcome please contact me to discuss the matter further within ten school working days or contact the Clerk to the Governing Body via the school office within ten school working days to request your concerns proceed to Stage 4 (should you require assistance please contact the school office). A clerk and Complaint Review Panel of governors will then be convened to review your complaint.

For independent information and advice on how to proceed with your concern please contact the Area Schools Support Service via the Surrey County Council Contact Centre on 03456 009 009.

Yours sincerely

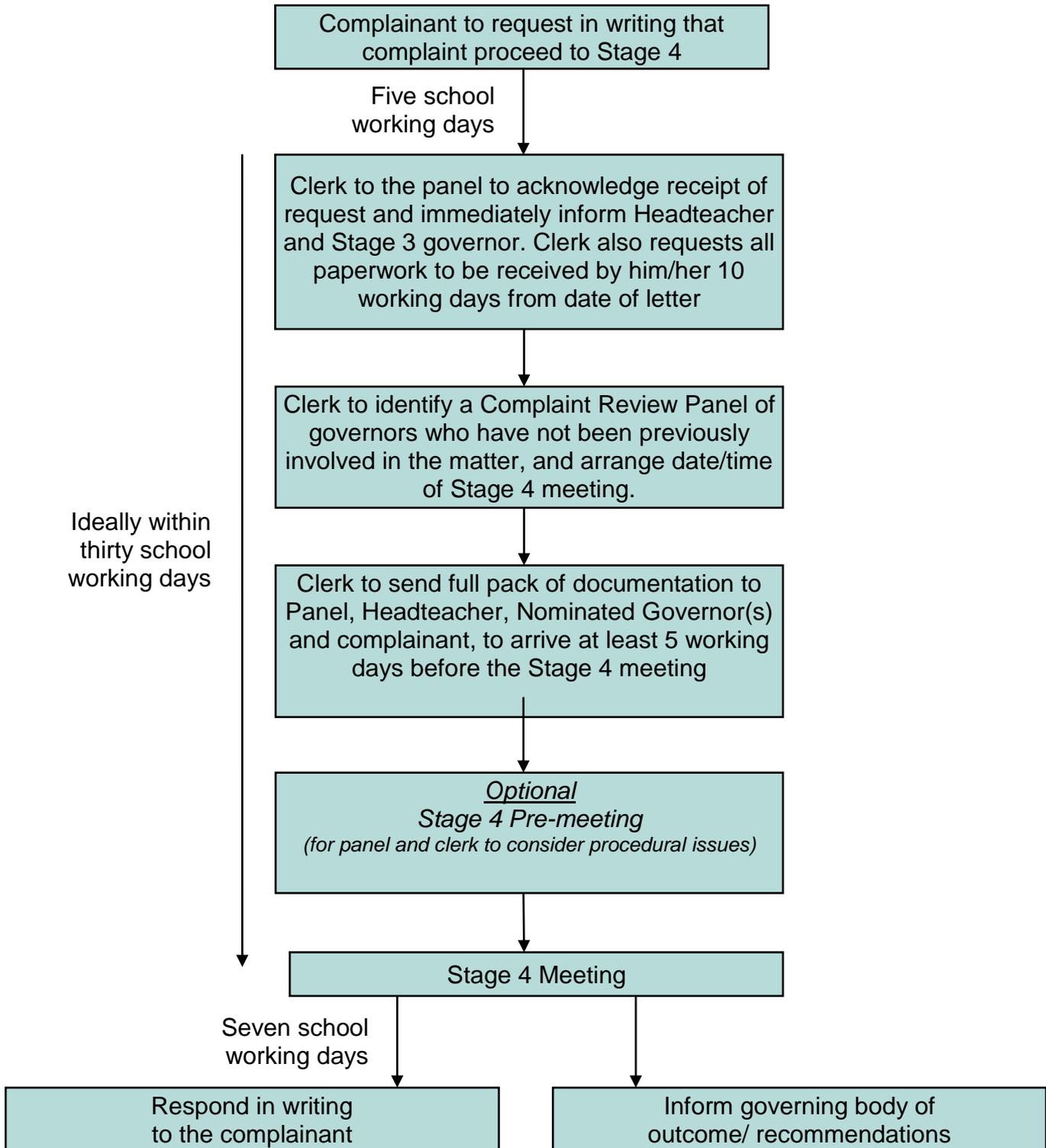
Chair of the Governing Body/Nominated Governor(s) (delete as appropriate)

Stage 4

Consideration by a review panel of governors

Stage 4 - Consideration by a review panel of governors

4.1 Flow chart



Stage 4 - Consideration by a review panel of governors

4.2 Guidelines

- 4.2.1 Complaints rarely reach this stage, however it is important that governing bodies are prepared to deal with them when necessary. At this stage schools may seek advice from the Area Schools Support Service and should inform the Diocese if appropriate.
- 4.2.2 All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at Stage 2 or the investigation by the Nominated Governor(s) at Stage 3.
- 4.2.3 This may be the last chance for a solution or compromise to be reached; so every effort should be made to reach agreement through conciliation or mediation. The advice and expertise of the Area Schools Support Service is particularly helpful at this stage. Complainants are also encouraged to seek advice from the Area Schools Support Service at this stage if they have not previously done so. Schools should ensure that complainants are referred to Surrey County Council's Contact Centre on 03456 009 009, rather than directly to the Area Schools Support Service. It should be noted that the Area Schools Support Service may be involved in advising both parties of their rights, responsibilities and the protocol to be followed. It is the role of the Area Schools Support Service to remain impartial and objective throughout the process and support the resolution of the complaint.
- 4.2.4 It is important that the Complaint Review Panel should not only be independent and impartial, but **that it is seen to be so**. As such, only governors who have had no prior involvement in the case should be members of the Complaint Review Panel. Governors taking part in panels need to be able to consider the complaint in an objective manner. Prior knowledge of the complaint, or of the general situation leading up to the complaint, need not preclude a governor from being an unbiased panel member. The ability to remain objective is a matter for both the individual governor and the governing body to decide.
- 4.2.5 It is important that individual governors do not become involved with complaints at an earlier stage because of potential prejudice. If governors are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of school staff.
- 4.2.6 Whilst there is currently no legislation which makes this a requirement for maintained schools (unlike independent schools, including academies and free schools), you may wish to consider inviting a governor from another school to be a member of the Stage 4 panel. This is good practice and will increase confidence in the Stage 4 process.
- 4.2.7 The complaint at this stage should normally be communicated to the school in a written format. Some complainants may require assistance, as at previous stages. The school should facilitate services to provide appropriate assistance and support if required.
- 4.2.8 Information regarding Stage 4 paperwork is given on page 50.

Stage 4 - Consideration by a review panel of governors

4.3 Procedure

Following a request from a complainant to proceed to Stage 4, the procedures outlined below must be followed:

4.3.1 Before the Stage 4 Complaint Review Panel Meeting:

- a) The Clerk to the Complaint Review Panel (normally the Clerk to the Governing Body) will write to the complainant (Letter A1) to acknowledge receipt of the written request **within five school working days**. The acknowledgement will inform the complainant that a Complaint Review Panel of three governors will consider the complaint **ideally within thirty school working days** of receiving the request, unless there are exceptional circumstances. The acknowledgement will also ask if there is any further paperwork that the complainant wishes to submit, and give a deadline of 10 school working days from the date of the letter for this.
- b) The Clerk to the Complaint Review Panel will also write to the Headteacher and Stage 3 Nominated Governor(s) (Letter A2), to inform them of the complainant's request to proceed to Stage 4. Within this letter the Clerk will also ask if there is any paperwork that the Headteacher and/or Stage 3 Nominated Governor(s) wish to submit, and give a deadline of 10 school working days from the date of the letter for this.
- c) The Clerk to the Complaint Review Panel will then convene a panel consisting of three governors. As noted in 4.2.6, consideration may be given to inviting a governor from another school to be a member of the panel. The governors selected should have had no prior involvement with the complaint, or potential conflict of interest, and due regard should be given to equalities and diversity issues. The Headteacher or other member of staff may not be a member of the Complaint Review Panel. Once convened the panel should elect a Chair of the Complaint Review Panel.
- d) The Clerk to the Complaint Review Panel will then write a further letter (Letter B1) to the complainant and a further letter (Letter B2) to the Headteacher and Stage 3 Nominated Governor(s). These letters will give details of the date and venue of the meeting. The date, time and venue should be set at a mutually convenient time for all parties. Three possible dates should be offered (if required) to the complainant, but if these all fail to be suitable then the meeting may be conducted in private by the Complaint Review Panel (see page 42).

Stage 4 - Consideration by a review panel of governors

4.3 Procedure (continued)

- e) The Clerk to the Complaint Review Panel will then write a further letter (Letter C1) to the complainant, Headteacher and Stage 3 Nominated Governor(s), enclosing a full pack of documentation and a guidance document outlining the conduct of a Stage 4 Complaint Review Panel Meeting (see Page 51). This information should be received **at least five school working days** prior to the meeting. Only in exceptional circumstances will new evidence be accepted after this time and this is at the discretion of the Chair of the Complaint Review Panel.
- f) It is advisable for the Complaint Review Panel and the Clerk to meet in advance of the Stage 4 Complaint Review Panel Meeting itself. The Complaint Review Panel may wish to invite the Area Schools Officer to attend this pre-meeting, in order to offer procedural advice and guidance. At this pre-meeting, the Complaint Review Panel may consider whether it would be helpful to invite members of staff and/or other adult witnesses directly involved in matters raised by the complainant to produce a written report (if this has not already been done), or to attend the meeting.

4.3.2 During the Stage 4 Complaint Review Panel Meeting:

- a) A procedure for conduct of the meeting is given on Page 51. The Clerk to the Complaint Review Panel may wish to use this as the basis for an agenda for the meeting.
- b) It is the responsibility of the Chair of the Complaint Review Panel to ensure that the Clerk to the Complaint Review Panel properly minutes the meeting and that minutes are distributed to all parties involved at Stage 4. The minutes are the property of the governing body.
- c) The aim of the meeting will be to review how the school has managed the complaint. This will include reviewing evidence and outcomes from Stages 1 to 3, and evaluating whether the school has followed its policies and procedures. Consideration should also be given to achieving reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action that will satisfy the complainant that his/her complaint has been taken seriously.
- d) The governors should remember that some complainants are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the Complaint Review Panel. It is, therefore, recommended that the Chair of the Complaint Review Panel ensures that the proceedings are as informal as the situation allows.

Stage 4 - Consideration by a review panel of governors

4.3 Procedure (continued)

- e) At the conclusion of the meeting the Chair of the Complaint Review Panel should explain that the panel will consider its decision and write to all parties with the outcome **within seven school working days**.
- f) The meeting then closes. The Complaint Review Panel will remain to consider its decision. This should cover:
- Findings on the substantive complaint;
 - Any appropriate action to be taken by the school or advice to the complainant;
 - Where appropriate, any recommended changes to the school's policies or procedures to ensure that problems of a similar nature do not happen again.

The Area Schools Support Service representative may remain to offer procedural advice.

g) **Consideration of the complaint in private by the Complaint Review Panel**

This would occur in exceptional circumstances such as failure to identify a mutually convenient date, or where the complainant declines to attend. It entails a detailed consideration of all the paperwork relating to the complaint but would not involve dialogue with the complainant, Headteacher or the Stage 3 Nominated Governor(s). The Clerk to the Complaint Review Panel should be present to advise on procedure, record the discussion and decision; and should also produce the final letter to the complainant. A representative of the Area Schools Support Service may also be present, if invited by the Complaint Review Panel, to provide additional expertise and witness the fairness and rigour of the process.

4.3.3 **After the Stage 4 Complaint Review Panel Meeting:**

- a) A letter outlining the decision of the Complaint Review Panel must be sent to the complainant and Headteacher with a copy to the Area Schools Support Service. If disciplinary action is to be considered against a member of staff or pupil then, to protect his/her rights, only the phrase "appropriate action has or will be taken" should be used.
- b) A report and any recommendations should be made to the school's governing body at the next full meeting.
- c) The Chair of the Complaint Review Panel should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. ***This information should be retained in line***

Stage 4 - Consideration by a review panel of governors

- d) ***with guidance from the Information and Records Management Society*** (www.irms.org.uk). The complainant should be informed that this will be done.
- e) Schools should note that personal injury claims, as well as covering physical injuries, may include retrospective claims of negligence e.g. for failure to stop bullying or failure to recognise a Special Educational Need such as dyslexia. Advice from Surrey County Council's Legal Services, Risk Management and Insurance departments is available in such cases and should be sought immediately before responding to any correspondence.
- f) It is good practice for the Headteacher to report termly to governors on compliments and complaints received, together with the outcome of each.

Stage 4 - Consideration by a review panel of governors

4.4 Sample letters

Sample Letter A1 - Acknowledgement of complainant by Clerk to the Governing Body

Dear <insert name>

I acknowledge receipt of your letter dated <insert date> indicating that you wish your complaint to be considered by a Complaint Review Panel.

A Complaint Review Panel of three governors (*including a governor from another school*) who have had no prior involvement with your complaint will be convened and a Clerk to the Complaint Review Panel will be appointed. When the planning has been completed I will contact you again to invite you to attend a Stage 4 Complaint Review Panel Meeting. This meeting will take place within the next thirty school working days.

Please forward all paperwork you wish to be considered by the Panel to me by <insert date> (10 working days from date of letter). Only in exceptional circumstances will new documentation and/or information be accepted after this time and this is at the discretion of the Complaint Review Panel. A full pack of the paperwork submitted to me will be sent to you at least five school working days before the Stage 4 Complaint Review Panel Meeting.

I enclose a copy of the *Guidance for the Conduct of a Stage 4 Complaint Review Panel Meeting* for your information.

For procedural advice and information please contact the Area Schools Support Service via the Surrey County Council Contact Centre on 03456 009 009.

I look forward to meeting you.

Yours sincerely

Clerk to the Governing Body

Enc: Guidance for the Conduct of a Stage 4 Complaint Review Panel Meeting

Stage 4 - Consideration by a review panel of governors

4.4 Sample letters (continued)

Sample Letter A2 - Initial information to Headteacher and Stage 3 Nominated Governor(s) by Clerk to the Governing Body

Dear <insert name>

I have received a letter dated <insert date> from <insert name> (copy enclosed) requesting that his/her complaint is considered by a Complaint Review Panel.

A Complaint Review Panel of three governors (*including a governor from another school*) who have had no prior involvement with the complaint will be convened and a Clerk to the Complaint Review Panel will be appointed. When the planning has been completed I will contact you again to invite you to attend a Stage 4 Complaint Review Panel Meeting. This meeting will take place within the next thirty school working days.

Please forward all paperwork you wish to be considered by the Panel to me by <insert date> (10 working days from date of letter). Only in exceptional circumstances will new documentation and/or information be accepted after this time and this is at the discretion of the Complaint Review Panel. A full pack of the paperwork submitted to me will be sent to you at least five school working days before the Stage 4 Complaint Review Panel Meeting

I enclose a copy of *Guidance for the Conduct of a Stage 4 Complaint Review Panel Meeting* for your information.

For procedural information and advice please contact the Area Schools Support Service.

Yours sincerely

Clerk to the Governing Body

Enc: Guidance for the Conduct of a Stage 4 Complaint Review Panel Meeting

Stage 4 - Consideration by a review panel of governors

4.4 Sample letters (continued)

Sample Letter B1 - Further information to complainant by Clerk to the Complaint Review Panel

Dear <insert name>

The Complaint Review Panel has now been convened and I am now able to provide details as follows:

The Complaint Review Panel will be attended by:

- Members of the panel
 - Governor 1 - Chair of the Complaint Review Panel - <insert name>
 - Governor 2 - <insert name>
 - Governor 3 - <insert name>
- Clerk to the Complaint Review Panel - <insert name>
- Complainant (witness) - <insert name>
- Headteacher (witness) - <insert name>
- Stage 3 Nominated Governor(s) (witness) - <insert name>
- If applicable - Area Schools Officer (procedural advice) - <insert name>

Date of Complaint Review Panel: <insert date>

Venue: <insert venue>

Start time: <insert start time>

You are asked to report to <insert location>. You will be shown to a waiting area. I will collect the complainant, the Headteacher and the Stage 3 Nominated Governor(s) from the waiting area to be introduced to the Complaint Review Panel at the same time.

You are entitled to be accompanied by a friend or representative if you wish. I would be grateful if you would:

- Confirm your attendance at this meeting; and
- Let me know the name of any friend or representative who will accompany you by <insert date>. Please also let me know the capacity in which any additional person is attending (e.g. friend, interpreter etc.).

Finally, please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Yours sincerely

Clerk to Complaint Review Panel

Stage 4 - Consideration by a review panel of governors

4.4 Sample letters (continued)

Sample Letter B2 - Further information to Headteacher and Stage 3 Nominated Governor by Clerk to the Complaint Review Panel

Dear <insert name>

The Complaint Review Panel has now been convened and I am now able to provide details as follows:

The Complaint Review Panel will be attended by:

- Members of the panel
- Governor 1 - Chair of the Complaint Review Panel - <insert name>
- Governor 2 - <insert name>
- Governor 3 - <insert name>
- Clerk to the Complaint Review Panel - <insert name>
- Complainant (witness) - <insert name>
- Headteacher (witness) - <insert name>
- Stage 3 Nominated Governor(s) (witness) - <insert name>
- If applicable - Area Schools Officer (procedural advice) - <insert name>

Date of Complaint Review Panel: <insert date>

Venue: <insert venue>

Start time: <insert start time>

You are asked to report to <insert location>. You will be shown to a waiting area. I will collect the complainant, the Headteacher and the Stage 3 Nominated Governor(s) from the waiting area to be introduced to the Complaint Review Panel at the same time.

Finally, please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Yours sincerely

Clerk to the Complaint Review Panel

Stage 4 - Consideration by a review panel of governors

4.4 Sample letters (continued)

Sample Letter C1 - Final information and documentation to complainant, Headteacher and Stage 3 Nominated Governor(s) by Clerk to the Complaint Review Panel

Dear <insert name>

Thank you for providing information/documentation for the Stage 4 Complaint Review Panel Meeting, which is being held on <insert date> at <insert time> at <insert venue>.

The following information is enclosed:

- <list documentation enclosed>

I also enclose *Guidance for the Conduct of a Stage 4 Complaint Review Panel Meeting* for your information.

Finally, please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

Clerk to the Complaint Review Panel

Enc: Stage 4 Complaint Documentation
Guidance for the Conduct of a Stage 4 Complaint Review Panel Meeting

Stage 4 - Consideration by a review panel of governors

4.5 Stage 4 paperwork checklists

Check list of final paperwork to be sent out by clerk for a stage 4 hearing

Document	Included
List of contents	
Template letter C1	
Agenda with date, time and place. <i>If not being held at the school any other relevant information eg parking</i>	
Guidelines for the conduct of the complaint review panel	
Complete pack of information from the complainant	
Complete pack of response from the school. <i>See school checklist for information that may be included.</i>	

The Clerk to the Stage 4 meeting will need to give consideration to the organisation of the paperwork. This will depend on the amount and type of documents included. In some cases it would be appropriate to organise in ring binders, for example with different sections, while in other cases it may be sufficient to number the pages. In all cases it should be clear which set of papers has come from the school and which has come from the complainant. The main focus should be to make it easy for all parties to identify a specific document during the hearing.

Check list of paperwork that the school may wish to include for a stage 4 hearing

Document	Included
Timeline/Chronology	
Statement from Headteacher	
Stage 3 response letter	
Relevant policies eg behaviour, anti-bullying	
Correspondence between complainant and school <i>If substantial provide a list and number the documents for ease of reference</i>	
Relevant reports/advice from professionals	
Behaviour log	
Log of phone calls between complainant and school with brief note on the matter discussed and any agreed outcomes	
Notes/minutes of meetings at school	
Minutes of any stage 3 meeting(s)	

Stage 4 - Consideration by a review panel of governors

4.6 Guidance for conduct of a Complaint Review Panel

4.6.1 The Chair of the Complaint Review Panel will invite everybody into the room at the same time. He/she will facilitate introductions and clarify roles.

4.6.2. The Chair of the Complaint Review Panel will explain to all present the purpose of the meeting, which is to:

- Review evidence and outcomes from Stages 1 to 3
- Evaluate whether the school has followed its policies and procedures
- Consider ways to achieve reconciliation between the school and the complainant

4.6.3 The Chair of the Complaint Review Panel will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure but has the final decision about the arrangements:

- The complainant will outline their complaint
- The Headteacher will be given the opportunity to seek clarification from the complainant
- The panel may seek clarification from the complainant
- The Headteacher and the Nominated Governor(s) (Stage 3) will state the school's case
- The complainant will be given the opportunity to seek clarification from the Headteacher and/or Nominated Governor(s)
- The panel may seek clarification from the Headteacher and/or Nominated Governor(s)
- The Headteacher and/or Nominated Governor(s) will be given the opportunity to summarise their position
- The complainant will be given the opportunity to summarise why they feel the school has not properly addressed their complaint
- The meeting will then close. The panel will then deliberate. If the Area Schools Support Service team member is present he/she may remain, along with the Clerk to the Complaint Review Panel, to offer procedural advice.

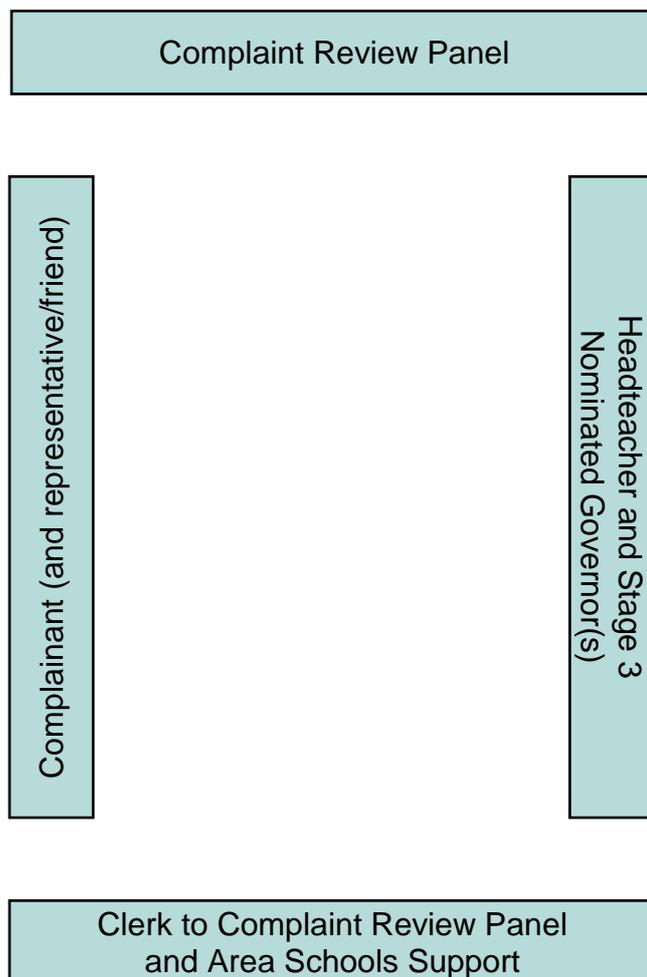
4.6.4 The Complaint Review Panel will then arrive at its decision. This will cover:

- Findings on the complaint
- Appropriate action to be taken by the school
- Any recommended changes to the school's systems or procedures

4.6.5 The decision will be notified to all parties, in writing, **within seven school days**.

Stage 4 - Consideration by a review panel of governors

4.7 Suggested layout for a Complaint Review Panel



Stage 4 - Consideration by a review panel of governors

4.8 Considering the evidence - guidance for governors

A suggested format for clarifying issues and seeking information

What is the complaint?		
What facts are not disputed? <ul style="list-style-type: none">•••••••••••		
What facts do we need to establish?	How? (<i>documentation from... questioning of...</i>)	Comments

Stage 4 - Consideration by a review panel of governors

4.9 Sample minutes for a Complaint Review Panel

PRIVATE & CONFIDENTIAL
(To be treated as Part Two Minutes)

Governing Body of <insert school name> Stage 4 Complaint Review Panel Meeting

Minutes of proceedings at a Stage 4 Complaint Review Panel Meeting held at <inset location> on <insert date>.

PRESENT

- **<insert names and roles>**

The meeting was held in accordance with the governing body's complaints policy and procedures.

The Chair of the Complaint Review Panel welcomed all parties to the meeting and introductions were made. He/she outlined the procedure for the meeting.

<insert name> was asked to outline the complaint he/she had made against the school. The complaint was centred on:

(i) _____

(ii) _____

(iii) _____

Members of the panel asked questions to clarify the complaint. The Headteacher was invited to ask questions of <insert name>.

<insert name> responded to the complaint on behalf of the school.

Members of the panel asked <insert name> questions to clarify the school's response to the complaint. <insert name> was invited to ask questions of <insert name>.

When all aspects of the complaint had been addressed, the Headteacher was invited to make a brief summary to the meeting. This was followed by a similar invitation to the complainant.

At the end of the summaries, the Chair of the Complaint Review Panel asked <insert name> if he/she was satisfied that he/she had had a fair hearing. <insert name> responded <insert response>.

Stage 4 - Consideration by a review panel of governors

4.9 Sample minutes for a Complaint Review Panel (continued)

The Headteacher was asked if they felt the school had a fair hearing and responded <insert response>.

The Chair of the Complaint Review Panel explained that the panel would consider the information presented and come to a decision on <insert name>'s complaint. The Chair of the Complaint Review Panel explained that a letter outlining the panel's decision would be sent by first class post within seven school days.

All parties left the meeting, except members of the Complaint Review Panel, the Clerk to the Complaint Review Panel and (if applicable) the Area Schools Support Service representative.

The Complaint Review Panel then gave careful consideration to the information received, including documentation distributed before the meeting and the evidence and representations made at the meetings.

The Complaint Review Panel resolved:

- 1) That the panel, with support from the Clerk to the Complaint Review Panel, will prepare a letter to the complainant, to be signed by the Chair of the Complaint Review Panel, explaining the panel's decision.
- 2) That the wording of the letter be checked with the Area Schools Support Service before it is sent to <insert name>.
- 3) That the letter be sent to <insert name> to arrive no later than <insert date>.

A copy of the letter outlining the panel's conclusions is attached to and forms part of these minutes.

Chair of the Stage 4 Complaint Review Panel

<insert Date>

Stage 4 - Consideration by a review panel of governors

4.10 Sample notice of recommendations to governing body

To the Governing Body of <insert school name>

Stage 4 Complaint Review Panel Meeting

Report to the governing body of <insert school name> of Stage 4 Complaint Review Panel Meeting held on <insert date>.

The Complaint Review Panel met on <insert date> to consider a complaint made by parent(s) of a pupil at the school. The meeting was held in accordance with the governing body's procedure for considering complaints.

The complaint was <insert summary>.

The Complaint Review Panel concluded that the complaint be upheld/not be upheld.

The Complaint Review Panel make the following recommendations for consideration by the governing body:

- <insert recommendations>

The following were present at the meeting:

- The Complaint Review Panel:
 - <insert names>
- The complainant [not to be named]
- The Headteacher:
 - <insert name>
- The Stage 3 Nominated Governor(s):
 - <insert name>
- The Clerk to the Complaint Review Panel:
 - <insert name>
- Representative from Area Schools Support Service:
 - <insert name>

Stage 4 - Consideration by a review panel of governors

4.11 Sample final letter to complainant

Dear <insert name>

Thank you for joining <insert names of other 2 governors> and myself on <insert date> to review your complaint against <insert school name>.

I am grateful to you for the time and effort you have put into presenting your complaint.

I am writing to let you know the conclusions and recommendations we reached.

- <insert summary of conclusions (including whether the complaint(s) were upheld, partially upheld or not upheld) and recommendations>

I attach a copy of the minutes taken by the Clerk to the Complaint Review Panel for your information.

A record of your complaint will be kept on file by the school.

Should you remain concerned that the governors have acted or are proposing to act unreasonably, or that the governing body or Surrey County Council has failed to discharge its duties under legislation, the final course of action available to you is to write to the Secretary of State for the Department for Education to ask for your case to be reviewed.

For your further information Ofsted can also investigate complaints relating to the work of a school as a whole but will not get involved in any matter that relates to individual pupils. The Local Government Ombudsman will only consider complaints regarding the maladministration of Surrey County Council's services and will not investigate internal school management matters.

It is the Complaint Review Panel's hope that you will feel that your complaint has been heard and considered fairly and that all the issues have been investigated appropriately.

Yours sincerely

Chair of the Stage 4 Complaint Review Panel

Cc: <insert name>, Headteacher
<insert name>, Stage 3 Nominated Governor(s)

Further Action

5. Further action after all four stages are complete

5. Further action after all four stages are complete

- 5.1 A complaint may be made to the Secretary of State for Education if a person believes that a governing body or Surrey County Council is acting unreasonably or is failing to carry out its statutory duties properly. The Department can only consider a complaint if all local procedures have been exhausted.

The Secretary of State

www.education.gov.uk/schools/leadership/schoolperformance/b00212240/guidance-on-making-a-complaint-about-a-school

The Secretary of State
Department for Education
Castle View House
East Lane
Runcorn
WA7 2GJ

- 5.2 Ofsted has specific powers (under sections 11 A-C of the Education Act 2005 (as amended)) to investigate certain complaints about schools, known as qualifying complaints. Generally, the complainant must have followed the school's own complaints procedure before referring to Ofsted. Ofsted will only consider complaints about whole school issues and not those regarding individual pupils.

Ofsted

www.ofsted.gov.uk

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

6. Managing complaints about school governors

6.1 Guidelines

- 6.1.1 Complaints about individual governors are relatively rare but can be difficult to resolve. They generally relate to the conduct of a governor within a school, or whilst on school business; they may include breaches of policy or confidentiality. As with complaints about members of staff, every opportunity for the governor to receive support and training should be explored prior to any disciplinary action being taken.
- 6.1.2 Complaints about the conduct of governors outside of a school, in a private capacity, do not fall within the remit of this policy.
- 6.1.3 The same good practice principles, already set out in this guidance, apply to the management of complaints about individual governors. A two stage procedure is recommended and this should be managed by the Chair of the Governing Body in person, or, in the event of the complaint being about the Chair of the Governing Body, by the Vice Chair of the Governing Body.
- 6.1.4 The Chair of the Governing Body must be impartial, objective and rigorous in their investigation of complaints about a fellow governor and demonstrate this to be the case. It is important that detailed notes are kept and timescales are adhered to. Notes may be subject to subsequent Freedom of Information requests.
- 6.1.5 The Clerk to the Governing Body is responsible for the administrative support and general advice, as with other school complaints. In addition the Area Schools Support Service can assist and provide specialist advice to the Chair of the Governing Body in this process, providing the school has purchased the Area Schools Support Service. Babcock 4S Governance Consultancy may also give advice in such circumstances.

6. Managing complaints about school governors

6.2 Procedure

- 6.2.1 The complaint should be presented either verbally or in writing to the Chair of the Governing Body. If the complainant requires assistance this must be facilitated.
- 6.2.2 The Chair of the Governing Body will acknowledge receipt of the complaint **in writing within three school working days** and provide a target date for providing a response.
- 6.2.3 The Chair of the Governing Body should offer to meet with the complainant to clarify aspects of their concern and to seek further information before embarking on their investigation (see section 3 of this guidance for advice on investigations). The Chair of the Governing Body should take advice from the Clerk to the Governing Body, Area Schools Support Service or Babcock 4S Governance Consultancy before the meeting is arranged. Meeting notes should be taken either by the Clerk to the Governing Body, the Area Schools Support Service team representative or the Chair of the Governing Body. These notes may be seen at a later stage by the complainant so they must be clearly presented and accurate.
- 6.2.4 The Chair of the Governing Body will then begin their investigation of the key issues. This investigation must be rigorous, objective and impartial. All key witnesses must be interviewed, and witness statements obtained. The Chair of the Governing Body should not rely on a single person's interpretation of events. The context of the complaint will be relevant and any documentation, policies or guidance should be consulted. The advice of Surrey County Council is that in the course of investigating complaints, pupils are not interviewed by governors.
- 6.2.5 The Chair of the Governing Body will report their findings and any recommendations to the complainant in writing (and verbally if they feel this is necessary); this will usually be **within ten school working days**. The Chair of the Governing Body should give reasons for the decision to uphold, partially uphold the complaint or overturn the complaint. If there is good reason for any delay the Chair of the Governing Body will notify the complainant, giving them a revised target date for the completion of their investigation. The Area Schools Support Service, the Clerk to the Governing Body or Babcock 4S Governance Consultancy can provide advice on the written response.
- 6.2.6 If the complainant is not satisfied with the Chair of the Governing Bodies' response they should request a review of how the complaint has been managed within **ten school working days** of receipt of the response.
- 6.2.7 The Clerk to the Governing Body will write to the complainant to acknowledge receipt of the written request within **five school working days**. The acknowledgement will inform the complainant that a Complaint Review Panel of three governors will consider the complaint within **thirty school working days** of receiving the request, unless there are exceptional circumstances.

6. Managing complaints about school governors

6.2 Procedure (continued)

- 6.2.8 It is important that the Complaint Review Panel should not only be independent and impartial, but **that it is seen to be so**. As such, only governors who have had no prior involvement in the case should be members of the Complaint Review Panel. Governors taking part in panels need to be able to consider the complaint in an objective manner. Prior knowledge of the complaint, or of the general situation leading up to the complaint, need not preclude a governor from being an unbiased panel member. The ability to remain objective is a matter for both the individual governor and the governing body to decide. In exceptional circumstances where all available governors have been involved previously or if there are likely to be questions regarding their objectivity, it is permissible for the governing body to approach up to two governors from another school to sit on the Complaint Review Panel.
- 6.2.9 Surrey County Council and Babcock 4S has no remit to hear appeals against governors but will provide advice and support to governing bodies on issues of concern.
- 6.2.10 A further letter will explain to the complainant the right of all parties to submit documentation relevant to the complaint. Three possible dates (if required) should be offered to the complainant, but if these fail to be suitable then the meeting may be conducted in private by the Complaint Review Panel. The Clerk to the Complaint Review Panel (the Clerk to the Governing Body) should be present to advise on procedure, record the discussion and record the decision; the Clerk to the Complaint Review Panel will also produce the final letter to the complainant, under instruction from the panel.
- 6.2.11 If the Chair of the Governing Body or the Complaint Review Panel upholds the complaint, and feels that further action against a governor is required, this will be discussed within the full governing body as a confidential item (Part Two Business) and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain. In these circumstances, the complainant will be told that “appropriate action has been/will be taken”.
- 6.2.12 The School Governance Regulations provide for governors to be suspended or removed in certain circumstances. There is also the possibility of verbal sanctions for governors. It will be a matter for the Chair of the Governing Body, and ultimately the full governing body, to decide on the appropriate course of action. Before any disciplinary action is taken against a governor advice should be obtained from the senior officer at Babcock 4S Governance Consultancy.

7. Unreasonably persistent complainants and unreasonable behaviour

7.1 Guidelines

7.1.1 The majority of people with complaints or concerns about schools behave reasonably in pursuing their complaint. This means that they:

- Treat all school staff with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Do not use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- Recognise that resolving a specific problem can sometimes take some time;
- Follow the school's complaints procedure

7.1.2 However, a small number of complainants may be deemed “**unreasonably persistent complainants**”.

7.1.3 Definitions:

For the purposes of this guidance an “**unreasonably persistent complainant**” is defined as follows:

An unreasonably persistent complainant is a person who repeatedly complains about issues, either formally or informally, or frequently raises issues that s/he considers to be within the remit of the school and whose behaviour is unreasonable.

Such behaviours may be characterised where complainants display some or all of the following:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted at all stages (e.g. where several responses have been provided).
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These should be addressed as separate complaints.
- An insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or an insistence upon pursuing meritorious complaints in an unreasonable manner. For example, complainants who are unwilling to accept documented evidence of action or who are unwilling to accept that the governing body has reached a final decision on a chosen course of action.

7. Unreasonably persistent complainants and unreasonable behaviour

7.1 Guidelines (continued)

- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue the complaint where the concerns identified are not within the remit of the governing body to investigate.
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgements must be used in applying this criteria.
- Have in the course of addressing a complaint, had an excessive number of contacts with the school, placing unreasonable demands on staff time. Advice from Surrey County Council's Legal Services should be sought about what would constitute "excessive".
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

For the purposes of this guidance, "**harassment**" is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of school staff;
- and/or cause ongoing distress to individual member(s) of school staff;
- and/or have a significant adverse effect on the whole/parts of the school community;
- and/or are pursued aggressively.

7.1.4 Complainants should be aware that threatening behaviour or the use of physical violence towards staff at any time may cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place.

7.1.5 Recordings of meetings or telephone conversations should only occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidence.

7. Unreasonably persistent complainants and unreasonable behaviour

7.2 Procedure

- 7.2.1 Only the Headteacher, with the agreement of the Chair of the Governing Body, may deem a complainant 'unreasonably persistent'.
- 7.2.2 The Headteacher will ensure that there is sufficient evidence available to justify the decision. S/he will consult with Surrey County Council's Legal Services to confirm that the evidence is sufficient.
- 7.2.3 The Chair of the Governing Body will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
- 7.2.4 Some or all of the following actions may be taken, depending on the particular circumstances of the case:
- Insisting that no member of staff should meet the complainant on his/her own;
 - Restricting responses to telephone calls and emails from the complainant to specified days and times;
 - Requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;
 - Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
 - After consulting with Surrey County Council's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.
- 7.2.5 All correspondence from the complainant will be considered and any new and substantive issues will be addressed and a reply sent to the complainant.
- 7.2.6 New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.
- 7.2.7 If a complainant is deemed to be unreasonably persistent this will not reflect on the school's treatment of his/her child.
- 7.2.8 Once a complainant has been determined as persistent and/or unreasonable, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

7. Unreasonably persistent complainants and unreasonable behaviour

7.2 Procedure (continued)

- 7.2.9 A panel of three governors should review their decision to categorise a complainant as persistent and/or unreasonable every six months.
- 7.2.10 The panel on review may either withdraw the categorisation of a person as persistent and/or unreasonable or amend the strategy being applied to that person.
- 7.2.11 If the panel considers it appropriate to withdraw the status of persistent and/or unreasonable, normal contact with the complainant will be resumed. The complainant will be given notice of this decision as soon as practicable.
- 7.2.12 Copies of all decisions relating to the categorisation of a person as persistent and/or unreasonable will be sent to the Clerk to the Governing Body who will hold and maintain a central register of such decisions.
- 7.2.13 The Headteacher's report to the governing body should outline the number of complainants, if any, who are categorised as persistent and/or unreasonable to enable the governing body to monitor this.
- 7.2.14 Nothing in this guidance affects an individual's statutory rights.

8. Timescales for making a complaint

8. Timescale for making a complaint

Headteachers and governors must be prepared to investigate and review complaints up to six months after the event and even after a pupil has left the school. Surrey County Council in its guidance to complainants urges them to raise matters of concern at the earliest opportunity in order to facilitate a thorough examination of the evidence while it is 'fresh'.

Annex A – Model complaints policy

This policy statement is offered for schools to adapt to suit their circumstances and ethos and is not prescriptive.

XXX School – Responding to concerns about our school

General principles

1. This policy statement sets out the school's approach to dealing with concerns and complaints. XXX School has adopted the Surrey County Council guidance for responding to concerns. Further details are contained in the document *Responding to Concerns about Surrey County Council schools – guidance for parents*, which is available on the Surrey County Council website or on request from the school office.
2. We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
3. We welcome feedback on what parents feel we do well, or not so well. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
4. We endeavour to keep parents informed about all aspects of school life in a variety of ways including xxxxxxxx (*eg parents' evening, reports, newsletters, Parent Forum, school website etc*). We regularly seek parental feedback through xxxxxxxx (*eg questionnaires, information events, workshops etc*).
5. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately (for example via social networking sites) or in front of pupils.
6. All school staff and governors will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required.
7. The school's procedures will be reviewed regularly and updated as necessary.
8. Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or for specific groups.

Annex A – Model complaints policy (cont'd)

Process

Stage 1 – Discuss your concerns with your child's class teacher or other appropriate member of staff. Most difficulties are resolved satisfactorily at this stage.

Stage 2 – Contact the Headteacher by arranging an appointment to discuss the matter or put your concern in writing. The Headteacher will investigate your concerns and respond.

Stage 3 – If the Headteacher has been unable to resolve the issues to your satisfaction, complete a Stage 3 complaint form (available from the school officer and/or website) and return it to the Chair of Governors care of the school. The Chair of Governors or nominated governor will investigate and respond.

Stage 4 – Very few concerns reach this formal stage. A formal complaint is heard when all previous stages have been undertaken and the issue remains unresolved. The complaint will be reviewed by a panel of three governors who have had no previous involvement. To initiate the stage 4 process you should put your request in writing to the Clerk to the Governing Body, care of the school.

Statutory procedures for specific types of complaints

Complaints about the following issues are subject to statutory procedures which are separate from the general complaints procedure. For more information about these procedures please contact the Headteacher or Surrey County Council (0300 200 1004).

- Pupil exclusion
- Admission to school
- Child protection/safeguarding
- Statements of Special Educational Needs (SEN)/ Education, Health Care Plans (EHCP)
- Freedom of Information/ Data Protection
- Discrimination/harassment based on protected characteristics as defined in the Equality Act 2010
- Grievance by a member of school staff

Responsible for policy	
Date approved by governing body	
Review date	



