

## **London Borough Of Havering- Education Service**

### **General (non-statutory) Complaints Procedure for Maintained Schools:**

#### **Background and Legal Framework**

The 1998 School Standards and Framework Act required governing bodies, in accordance with regulations, to establish procedures dealing with non-statutory complaints and to publicise their procedures. No such regulations were made by the Secretary of State.

The 2002 Education Act has established that all governing bodies must have complaints procedures in place by September 2003 and must have regard to guidance given by the Secretary of State. The DfES issued via its website, guidance regarding a model policy for governing bodies to consider and to adopt or adapt as appropriate.

In terms of LEA statutory duties or powers, procedures are already in place to deal with such issues as admissions, the provision of an appropriate curriculum, SEN and exclusions. In relation to a non-statutory complaint, there is no statutory right of appeal by a complainant to an LEA or Diocesan Board.

In considering the issues involved in establishing complaints procedures, Havering LEA would like to offer advice and guidance to schools and governing bodies in order for them to establish an appropriate policy. The sections detailed below are therefore intended to inform schools and governing bodies accordingly.

#### **General Principles**

- It would seem reasonable to limit the right of access to any procedure to parents and those with parental responsibility.
- Any procedure should be designed to ensure that, wherever possible, resolution is achieved through an informal process.
- All stages of the complaints procedure must be investigatory rather than adversarial.
- Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances."
- The responsibility for dealing with general complaints lies with the school. Any non-statutory complaint received by the LEA will be redirected to the school and the complainant informed accordingly.
- There should be a mechanism for terminating spurious complaints and those brought by vexatious complainants.
- Advice to complainants of the outcome of their complaint must not include confidential information, as this could be prejudicial in terms of employer/employee relationships. It is important therefore to be circumspect in the information provided.

- In the event that a complainant believes that the appropriate investigative procedures have not been followed, the complainant may request the Governing Body to review the matter. A review panel of three governors should be established for this purpose from a pool of, for example, five. Any request that is based purely on dissatisfaction with the outcome should be rejected although there could be limited exceptions to this position.
- Governors involved in the process should receive prior training for their role.
- As well as clear time scales for lodging and processing complaints, there needs to be a definite end-point to any procedure whereafter the matter is closed as far as the school is concerned.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint. This will reduce the likelihood of letters of complaint being sent to the LEA, Secretary of State, Councillors, MP, local press etc.

**Therefore it is essential that reference be made to the existence of the General Complaints Procedure, in the school prospectus.**

**LONDON BOROUGH OF HAVERING EDUCATION SERVICE  
ST. MARY'S CATHOLIC PRIMARY SCHOOL  
2004 (reviewed 2011)**

**COMPLAINTS PROCEDURE**

**1 Complaints about the actions of a member of staff other than the Headteacher.**

**Informal Stage**

Most parental concerns can be adequately resolved by discussion with the class teacher (or form teacher in respect of secondary schools) or with other members of staff who may be the object of the complaint. There will be no need for the complaint to be put in writing, which would formalise matters and may, perhaps, lead parents to feel less prepared to articulate concerns. In the case of serious concerns, it may be appropriate to address them directly to the Headteacher or a designated member of the Senior Management Team.

**Formal Stage**

If the complainant is not satisfied with the response received they should put their complaint in writing. This may be to the Headteacher or a designated member of the senior management team. The complainant should normally have a response within 15 school days of contacting the senior member of staff.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher may meet with the complainant to clarify the complaint.

The Headteacher or other designated member of staff will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, he/she may be accompanied by a friend or representative, if they wish.

The investigation will begin as soon as possible and, when it has been concluded, the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part, or in full. Some details may then be given of action the school may be taking to review procedures etc., but details of the investigation, or of any disciplinary procedures, must not be released.
- The matter has been fully investigated and appropriate procedures, which are strictly confidential, are being followed

**The complainant will be told that consideration of their complaint by the Headteacher is now concluded.**

**If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request the Governing Body to review the process followed by the Headteacher (see section 3). Any such request must**

**be put in writing within two school weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow procedure.**

**If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher as detailed in section 2 below.**

## **2 Complaints about the actions of the head teacher**

### **Informal Stage**

The complainant is usually expected to arrange to speak directly with the head teacher, except in the case of serious concerns when it may be appropriate to raise them directly with the Chair of the Governing Body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting.

### **Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing to the Chair of the Governing Body who will arrange for its investigation.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. In addition the complainant will be invited to meet with the chair to present oral evidence or to clarify the complaint. The chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the chair. Once there has been an opportunity for the Headteacher to consider this, he/she will be invited to meet separately with the chair, in order to present written and oral evidence in response. A friend or representative may accompany the Headteacher at this meeting.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action. The whole process should be concluded within 20 school days.

**The complainant will be told that consideration of their complaint by the chair is now concluded. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process. Any such request must be made in writing within 2 school weeks of receiving notice of the outcome from the chair, and include a statement specifying any perceived failures to follow the procedure.**

### **3 Review of Complaint's Process by Governing Body Panel**

A panel of three members of the governing body shall conduct any review of the process followed by the Headteacher or the Chair of Governors. It should be noted, however, that if any of the governors have been involved directly, or indirectly, with the case, then they must not form part of the panel.

The panel is established to review the *process*, not the decision taken by the Headteacher or Chair of Governors, following the receipt of a formal complaint. However, when a parent writes to the panel seeking a review, it will not be clear until the panel meets, whether or not this is a matter of process or simple dissatisfaction with the decision reached. The first task of the panel, therefore, is to determine the nature of the request.

If the panel forms the view that it is a matter of the complainant being dissatisfied with the decision reached then the panel will not take the matter any further\*. If however, the complainant is concerned that the process undertaken by the Headteacher or the Chair of Governors was not in accordance with the published process then the panel will continue their review.

The panel may receive evidence from the complainant orally, who may be accompanied by a friend or relative, or representative if they wish, and/or in writing. The complainant may submit relevant documentary evidence. In addition, the panel will meet separately with the head teacher or the chair, as appropriate, to receive an account of the procedure which has been followed. This account may be presented orally and in writing. The panel will also have access to the records kept of the process followed.

The complainant and the Headteacher or the chair, as appropriate, will be informed in writing of the outcome, normally within 20 school days from the beginning of the review. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part, or in full, but that the procedural failure did not affect the outcome significantly, so the matter is now closed
- The concern was substantiated in part or in full and the Governing Body will take reasonable steps where practical to prevent a recurrence or to rectify the situation.

\*The nature of the complaint may give the panel cause to consider it in the best interests of the school to review even if it is clear that it is not about due process. It must be made clear to all parties that the panel is not empowered to overturn the judgement of the head teacher or chair but could refer it back for further consideration if they feel uneasy about the initial judgement. Should they review the case on this basis they will follow the same procedure as laid down for the Chair of Governors in investigating a complaint against the head teacher.

## **APPENDICES**

Attached to this policy are a complaint form, model letters and a model paragraph for inclusion in the school prospectus.

Additionally, we have appended model letters concerning aggressive behaviour on the part of the parents

**Complaint Form      ST. MARY'S CATHOLIC PRIMARY SCHOOL**

Please complete this form and return it to Headteacher, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school [ e.g. parent of a pupil on the schools roll ]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number: .....

Evening telephone number: .....

Please give details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			

## **Model Response to spurious complaints**

Dear Complainant

Following receipt of your communications and my careful consideration of their content, I am unable to deal with this matter under the Governing Body's General Complaints Procedure as:

- You have not identified any specific actions about which you might complain

**OR**

- The concerns that you identify relate to historical actions and any evidence, which might have enabled an objective investigation of your complaint, is no longer available.

**OR**

- The substance of your complaint has been addressed under this procedure already.

**OR**

- The concerns that you raise do not fall within the scope of this procedure.

**OR**

- You have not identified any potential sources of evidence, which might allow the matter to be investigated.

**OR**

- The school offered to resolve the matter informally and, in my judgement, your refusal to take advantage of this was unreasonable.

If you wish my decision to be reviewed then you may write to the Chair of the Governing Body with your reasons.

Yours sincerely,

Headteacher

## **NOTIFICATION OF DECISION REGARDING GENERAL PARENTAL COMPLAINT**

Dear Complainant

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld

**OR**

- The concern is not substantiated by the evidence

**OR**

- The concern was substantiated in part/in full. The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures, the nature or outcome of which must remain strictly confidential.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely

Headteacher  
or Chair of Governing Body

## REVIEW OUTCOME NOTIFICATION

Dear Complainant

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint.

Therefore, the matter is now closed as far as the school is concerned.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Headteacher/ Chair of Governors followed the General Complaints Procedure except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**Or**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the Headteacher/ Chair of Governors followed the General Complaints Procedure except that .....

Fortunately, this procedural failure did not affect the outcome of the consideration of your complaint. Therefore, while we regret this error, we now consider this matter to be closed as far as the school is concerned.

**Or**

- Having carefully reviewed the decision of the Headteacher or Chair of Governors, the panel have concluded that:
- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld

**Or**

- The concern is not substantiated by the evidence

**Or**

- The concern was substantiated in part/in full. The school will review its practices/procedures..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**Or**

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures, the nature of outcome of which must remain strictly confidential.

Yours sincerely

Chair of Complaints Review Panel

c.c. Headteacher  
Chair of Governors

**Model Paragraph for inclusion in School Prospectus**

**Raising Concerns and Resolving Complaints**

From time to time, parents, and others connected with the school, may become aware of matters which cause them concern. To encourage resolution of such situations, the Governing Body has adopted a "General Complaints Procedure". The procedure is devised with the intention that issues will be resolved informally, if at all possible. Full details of the procedure may be obtained from the School Office.

## **GUIDANCE ON DEALING WITH AGGRESSIVE BEHAVIOUR**

### **MODEL LETTER FROM THE HEADTEACHER**

#### **DISAPPROVAL OF BEHAVIOUR**

Dear (Name)

I am writing to you following an incident that took place on ..... between yourself and staff at the above school. I find this behaviour totally unacceptable. (**Summarise what the unacceptable behaviour was**). Not only was it extremely distressing to myself and the other staff involved, but it was also worrying for children and parents who witnessed it. I am also very concerned that such a sudden deterioration in the relationship between you and the school will not help (name)'s progress.

Any parent who has serious concerns about the school should speak to me: if you are not satisfied with my response you may contact or write a letter of complaint to the Chair of the Governing Body. I recommend you continue to pursue your concerns about the school in this way.

Meanwhile, I must warn you that any repetition of what happened will lead to me taking further action. This could involve your being prohibited from coming onto the school site and to referral to the Local Education Authority or the Police. **This may lead to criminal and/or civil, legal proceedings being commenced against you, without further notice.**

I hope this will not be necessary.

Yours sincerely,

Headteacher

c.c Chair of Governors

## **MODEL LETTER FROM HEADTEACHER**

### **PROHIBITION FROM SCHOOL SITE**

Dear (Name)

In view of what happened when you came into school and (brief details of incident), **I am prohibiting you from entering the school site until further notice.**

The only exception to this prohibition will be on those occasions when you are specifically invited by me to come into school to discuss your child's progress.

If you wish to communicate with the school on any matter, you must do so by telephone or writing.

If you do not abide by this prohibition I will refer to the Local Education Authority. **This may lead to criminal and/or civil legal proceedings being commenced against you, without further notice.** I hope this will not be necessary.

I regret taking this action, but your recent behaviour has left me no alternative.

Yours sincerely,

Headteacher

c.c. Chair of Governors

Dear

**Re: NOTICE OF WITHDRAWAL OF PERMISSION TO ENTER A SCHOOL SITE**

I am writing to you following an incident that took place on .....between you and staff at the above school.

I understand that during the incident you were abusive, adopted an aggressive manner and made a number of threats. I further understand that you refused to adopt a reasonable manner, despite the presence of other children and parents, and refused to leave the premises until the police were called to the scene.

Havering Council places great importance on the security of staff and pupils on school sites. In view of your unacceptable behaviour, I am writing to inform you that you no longer have permission to enter the school, or its grounds, without the permission of the head teacher until further notice. If you do, and cause a nuisance or disturbance, then the Police will be called to remove you. In addition, the Council will not hesitate to bring proceedings against you under the various sections of the appropriate Acts of Parliament as necessary.

If you do have any concerns about your child's education, you should telephone the school and request an appointment with staff to discuss them.

Yours sincerely

Head of School and Student Services

Dear

**Re: NOTICE OF WITHDRAWAL OF PERMISSION TO ENTER A SCHOOL SITE**

I am writing to you following an incident that took place on ..... I understand that you were abusive to pupils at the school gates.

The safety and welfare of all pupils is of paramount importance to the school and the Council and your behaviour during this incident was wholly unacceptable.

I am, therefore, writing to inform you that you no longer have permission to enter the school, or its grounds, without the permission of the head teacher, until further notice. If you do, and cause a nuisance or disturbance, then the Police will be called to remove you.

Yours sincerely,

Head of School and Student Services

Dear

**Re: NOTICE OF WITHDRAWAL OF PERMISSION TO ENTER A SCHOOL SITE**

I am writing to you following several incidents, when you were apprehended on the site of .....School.

I understand that you entered the school site on ..... You had no reason to do so and I am, therefore, informing you that you do not have permission to enter the school site in future. If you do, it will be considered that you are trespassing and the police will be called to remove you. In addition, the Council will consider bringing legal proceedings against you.

Staff at the school have been advised of the position and will not hesitate to call the Police and contact the Council if you enter the school site again.

Yours sincerely,

Head of School and Student Services