



WATFORD GRAMMAR SCHOOL FOR BOYS

SCHOOL BASED COMPLAINTS POLICY

This policy is modelled on a template from HCC. After the policy come two annexes. The first deals with complaints regarding Collective Worship and the Curriculum. The second outlines the guidance given by HCC for Governors' panels on complaints.

Complaints should be directed to the Headmaster in the first instance. An attempt will be made to resolve the situation informally, but if that is not successful, then the Headmaster will address the matter formally.

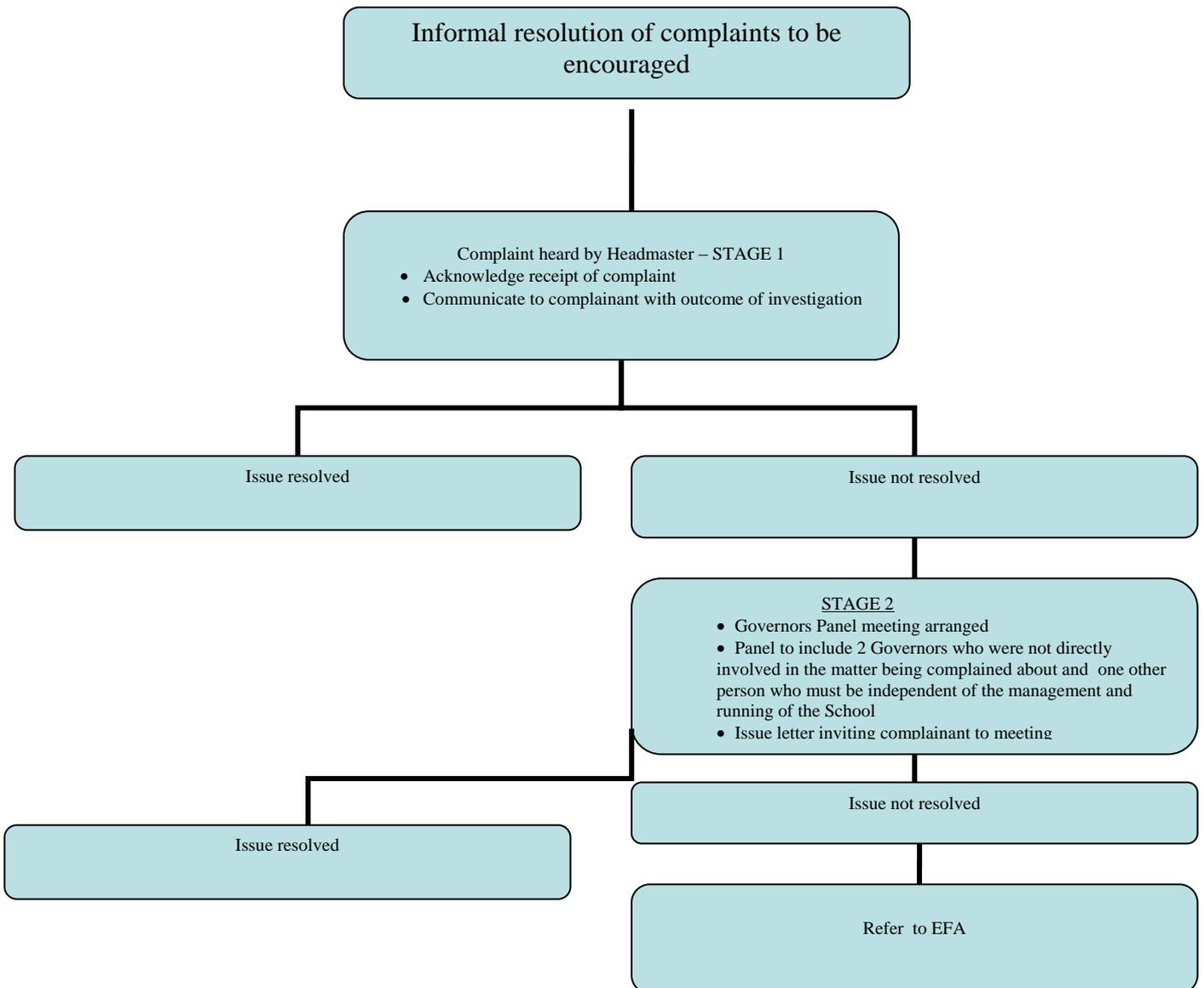
Should this not produce a solution, the matter will be referred to the Chair of the Governors, who will, if he cannot see a way of resolving the situation informally, convene a sub-group of the Governors to consider the matter and report. Their meeting will adhere to the guidelines laid down in the HCC policy (see Annexe 2).

If, after the report, the complaint is still not resolved to the satisfaction of the complainant, then they are entitled to refer the matter to the EFA.

Martin Post
Headmaster

Flowchart

Summary of Dealing with Complaints to the Headmaster and/or Governing Body



NATIONAL CURRICULUM AND COLLECTIVE WORSHIP COMPLAINTS

1. Purpose

- 1.1 The purpose of this appendix is to provide more information on complaints which are specifically about the National Curriculum and Collective Worship, under the terms of Section 409 of the 1996 Education Act as amended by paragraph 107, Schedule 30, School Standards and Framework Act 1998.
- 1.2 They cover complaints made by anyone about the performance of duties or exercise of power by the LA or by the governing bodies of schools. A complainant may make a complaint on behalf of a group of people with their agreement.

2. Scope of the arrangements

The kind of complaint covered here is defined by the 1996 Education Act. They are complaints that the governors of a school or the LA are not doing what the law requires of them because they:

- have failed to fulfil any of the duties listed below; or
- have acted or are proposing to act unreasonably in performing any of those duties or exercising any power relating to the curriculum or collective worship.

The duties involved are as follows and are common to the LA and governing bodies unless otherwise stated (references are to sections of the 1996 Education Act).

- (i) The provision of a curriculum including religious education and worship which meets the general requirements of Sections 350 -352 of the Act.
- (ii) The implementation of the national curriculum and compliance with orders and regulations made about its requirements and exceptions to its provisions (Sections 356 - 389).
- (iii) Provision to pupils of compulsory school age of courses leading to an external qualification only if that qualification and the associated syllabus criteria have been approved by the Secretary of State or under arrangements approved by the Secretary of State (Section 400).
- (iv) Provision of religious education and worship as required by the Act and other enactments (Sections 375 - 389 and 394).
- (v) Compliance with regulations about the provision of information (Section 408).
- (vi) Operation of charging policies in relation to the curriculum (Sections 455 - 456).
- (vii) The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 362).
- (viii) In the case of the LEA only, the establishment of a standing advisory council on religious education and review of the agreed syllabus for the area if the standing advisory council so require (Sections 390 - 393).

- (ix) In the case of a governing body only, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum.
- (x) Compliance with any other enactments relating to the curriculum.

3. Requirements

- 3.1 Consideration of a complaint will need to establish whether the LEA (or the governors) are acting reasonably and within the law and meeting their obligations or whether if this is not the case some action is required. In considering that question it may be necessary to consider whether:
- the LA's/governors' policy is consistent with legal requirements;
 - their actions are consistent with their policy;
 - the actions of staff are consistent with their policy.

4. The role of the Secretary of State

- 4.1 The 1996 Education Act lays down that the Secretary of State may not consider any National Curriculum or Collective Worship complaint unless it has first been considered under the LA's arrangements for handling complaints. The intention of this provision is that complaints should, if possible, be dealt with and resolved between the complainant and the parties responsible - the LA and/or the governing body.
- 4.2 A complainant who is still dissatisfied after these arrangements have been exhausted will be able to complain to the Secretary of State.

Hearing Stage 2 Formal Complaints A Toolkit for Governors

The material contained in this appendix is designed to guide governors through all the practical steps required by the complaints procedure

CONTENTS

A checklist of actions:

- upon receipt of a formal letter of complaint
- the Complaints Panel first meeting
- preparing the formal hearing
- when the Panel has reached its conclusion
- if the parent is not satisfied with the outcome

Formal Complaint form

Sample letters

Considering the evidence

Questions for the hearing

Format of hearing

Suggested layout of room

School Governance is happy to answer governors' questions on this material
Tel. 01582 830372

This material is also available in downloadable form on
www.thegrid.org.uk

INDEX FOR GOVERNORS TOOLKIT

Formal Complaint form	Annex A
Sample letters	
○ Acknowledgement to parent on receipt of the complaint – Annex B	
○ To Headmaster on receipt of parent’s complaint – Annex C	
○ To complaints team from the school advising of SEN, curriculum or collective worship complaints – Annex D	
○ To parents inviting them to clarify their complaints – Annex F	
○ To member of staff requesting them to give evidence – Annex G	
○ To parents and Headmaster giving the date of the formal hearing – Annex H	
○ To member of staff named in the complaint – Annex I	
○ To parents and Headmaster enclosing papers – Annex K	
○ To Headmaster with the panel’s conclusions – Annex P	
○ To complaints team, copy of panel’s recommendations – Annex R	
○ To parents following the discussion of recommendations by the Governing Body – Annex T	
Considering the evidence	Annex E
Questions for the hearing	Annex M
Format of hearing	Annex J
Suggested layout of room	Annex L
A fair hearing – Tribunals training video	Annex N
The Panel’s Conclusions about the Complaint	Annex O
Report from the complaints panel	Annex P

Hearing Stage 2 Formal Complaints

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headmaster may question both the complainant and the witnesses after each has spoken.
- The Headmaster is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headmaster and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headmaster is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

DfE guidance

Checklist of actions

Complaint fromdated

Upon receipt of a formal letter of complaint

Tasks	Done (date)	Notes
Acknowledge receipt of formal complaint		<i>See complaint form Annex A and letter Annex B.</i>
At the same time inform the Headmaster that a complaint has been received		<i>See letter Annex C</i>
Notify your complaints panel that a complaint has been received. Ask them to set a date for the panel's first meeting to plan their investigation		<p>Two members of this group should be drawn from members of the E&S Committee who were not directly involved in the matter being complained about and one other person who is independent of the management and running of the School</p> <p>The governing body may wish to give delegated powers to the chair to vary the complaints panel membership where specialist knowledge by another governor would be useful.</p> <p>If you don't have the panel membership agreed you should call a governing body meeting at which the membership of the panel will be agreed. Since this is a matter of delegating powers you require a two-thirds quorum to set up the panel. The complaint must not be discussed at the meeting.</p> <p>The governing body must delegate powers to reach FINDINGS on whether the parents' complaint is justified since only the members of the panel will have all the evidence to reach their conclusions.</p> <p>However, the panel should be delegated to report RECOMMENDATIONS on any further action to the full governing body. This means that the members of the panel do not have to take sole responsibility for decisions on subsequent action and ensures that any decisions will have the backing of the governing body as a corporate group.</p>
Inform Complaints Team if required		The complaints team should be informed in the case of complaints about SEN, Curriculum or collective worship. <i>See Letter Annex D</i>

The Complaints Panel first meeting (*See Annex E*)

Tasks	Done (date)	Notes
Make sure you understand the nature of the complaint.		<p>If the complaint is not clear, the complainant will need to be asked for clarification.</p> <p>In particular you will need to be clear whether the governing body is being asked to consider the original incident, or how the Headmaster has dealt with it. In practice, it is unlikely that it will be possible to separate the two entirely. However, if the original incident related to something for which the Headmaster was responsible under internal management (e.g. class organisation) the governing body must ensure that the complainant is aware that it has no power to change the Headmaster's decision – only to review how s/he dealt with the situation and make recommendations if appropriate.</p>
Decide whether it would be helpful to offer the parent an opportunity to talk about the complaint.		<p>In many cases this can help to bring out more fully the nature and detail of the complaint to help the investigation to proceed.</p> <p>A response to the complaint would not be appropriate at this stage and the panel would need to make clear that they will not come to a decision at this stage.</p> <p>The complainant(s) may be accompanied by a friend, or representative who may speak on their behalf. The governing body should encourage complainants to be represented by an interpreter of their choice, if language difficulties are likely to be a problem.</p> <p><i>(see letter Annex F).</i></p>
Decide what facts you need to establish.		
<p>Decide what documentation you need to ask to see that may help you to establish the facts.</p> <p>Identify who can be asked to provide that documentation.</p>		
<p>Decide how you are going to collect evidence prior to the hearing:</p> <ul style="list-style-type: none"> • signed statements 		<p>A member of staff, parent or pupil may be a vital witness. Governors may feel that it is best to collect evidence from them privately, prior to the hearing.</p> <p>The desire to keep the number of witnesses at the hearing to a minimum should be balanced against the principles of natural justice which requires that both sides hear what the witness has to say and are able to challenge their testimony.</p> <p>In order to avoid requiring an unwieldy number of witnesses appearing at the hearing, the panel would be advised to seek signed statements from witnesses. These statements would be sent to the complainant(s) before the hearing. The witnesses would only be required to attend the hearing if the complainant(s) or the Headmaster could</p>

<ul style="list-style-type: none"> the panel interviews witness* panel requests witness to attend 		<p>show good reason for challenging their testimony - both that their testimony was critical to the case and that it could be contradicted.</p> <p>*In some cases the panel may wish to interview a witness before the hearing to pin point a specific item of evidence. The panel would need to be scrupulously careful to question in an objective and impartial way to ascertain the facts. The specific item of evidence should be typed up and signed by the witness.</p> <p>If any member of staff is required to attend any meeting they will have the opportunity to be accompanied or represented as they wish, (<i>see letter Annex G</i>).</p> <p>Note: No child may be requested to attend without written parental permission. Complainants cannot insist that a witness attends. The governing body cannot insist on anyone (except members of staff) attending a hearing.</p>
<p>Decide the date of the complaint hearing.</p>		<p>It will normally be right and prudent to hold a hearing if a parent has lodged a formal complaint.</p> <p>It may appear to the panel that there is no case to answer but parents lodging the complaint can only be satisfied that the governors have taken it seriously if they take part in a formal hearing. The panel must avoid giving any impression that they have pre-judged the case.</p> <p>The date should be as soon as possible consistent with giving time for the necessary evidence to be collected, copied and distributed to all concerned a week ahead of the hearing, (<i>see below</i>).</p>
<p>Write to parents and Headmaster informing them of the date of the hearing.</p>		<p>At the same time ask them to provide a written statement and other documentation by a date at least 10 days before the hearing. Send any signed statements collected by the panel and ask complainant and head if they are prepared to accept those statements as unchallenged evidence. Also ask them to say if they will be accompanied by a friend and to give the name and address of that person and in what capacity they are attending (friend, interpreter, solicitor, union official etc.).</p> <p>(<i>see letter Annex H</i>).</p>
<p>Write to any member of staff named in the complaint to offer them an opportunity to attend the hearing.</p>		<p>You may not wish to use them as a witness but they have a right to attend. They may be accompanied by a friend or representative.</p> <p>(<i>see letter Annex I</i>)</p>

Preparing the formal hearing

Tasks	Done (date)	Notes
Decide the format of the hearing		<p>A schedule describing the possible format of the hearing is included in <i>Annex J</i></p> <p>All questioning should be conducted by the panel (who are actually the ones carrying out the investigation). It will not normally be appropriate for the 'plaintiff and defendant' to question each other. This should be made clear at the outset and strictly enforced by the Chair. The panel will need to make sure that it asks all the crucial questions that parents and Headmasters would have asked. At the end of their questioning the Chair of the panel should ask complainant and Headmaster whether the panel has asked all the questions that they would have wished.</p>
Send out papers to parents, Headmasters etc		<p>These should arrive at least 7 days before the hearing. This allows good time for everyone to study them. (see letter <i>Annex K</i>)</p> <p>Papers should include:</p> <ul style="list-style-type: none"> • all the documentary evidence • names and status (i.e. friend, solicitor, interpreter, union official etc.) of everyone who will attend including any witnesses. • a schedule describing the format of the hearing. (<i>Annex J - see above</i>).
Ensure there is an appropriate meeting room to conduct the hearing		For suggested layout <i>see Annex L</i> .
Decide where parents, Headmaster and any witnesses will wait.		It is important that Headmaster and parents go into the hearing at the same time so there is no suggestion that the panel have been 'got at'.
Organise someone to take notes.		<p>These notes should enable members of the panel to check back any significant points that were made at the hearing. Panels are advised NOT to tape record hearings unless they are prepared to spend hours poring in minute detail over every word that was uttered in the hearing. The panel, assisted by the clerk's notes, should be trusted to hear the key points of the evidence without the need for tape recording.</p>
Prepare questions the panel needs to ask on the basis of all available documentation.		<i>See Annex M</i>
Reflect with all panel members		

on how the panel can ensure that parents, Headmaster (and any other staff involved) feel that they have been given a fair hearing		
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When the Panel has reached its conclusions

Tasks	Done (date)	Notes
Write with your conclusions to the parents		<p><i>See letter Annex N.</i></p> <p>In some circumstances the panel may prefer to communicate their findings orally through a meeting with a very brief follow-up letter.</p> <p>The panel should aim to keep its findings brief and simple. If the panel wants to make recommendations such as for restitution or a change in policy, these should not be included in the letter since the decision remains with the governing body which might overturn or amend the recommendation. If follow-up action is agreed it may be appropriate to inform the parents in a separate letter.</p> <p>There is no need to send parents notes of the meeting but they should be available for examination by the LA if the case goes to Stage 3 or to arbitration.</p>
Write to the Headmaster enclosing a copy of your conclusions to the parents.		<i>See letter Annex O</i>
Report to governing body		<p><i>See Annex P</i></p> <p>This confidential report should draw the distinction between the panel's findings and its recommendations.</p> <p>The governing body must delegate the power to determine their findings from consideration of all the evidence. This means that the findings must be accepted by the governing body. However, the panel may make recommendations to the full governing body based on lessons learned from the investigation of the complaint. Any recommendations will be subject to discussion in the governing body and may not be accepted.</p>
Report to complaints team where required.		Governing bodies are required to report the outcome of complaints into SEN, curriculum, and collective worship. <i>See letter Annex Q.</i>
Write again to parents if it is appropriate to report any action decided by the governing body as a result of the panel's findings and recommendations.		<i>See letter Annex R</i>

If the parent is not satisfied with the outcome of the hearing

<p>Acknowledge receipt of their letter and respond appropriately.</p>		<p>There are a number of possible next steps depending on the type of complaint. Complaints about SEN, National Curriculum and Collective Worship will move to stage 3 complaint to the LA. For other complaints there is no appeal beyond the governing body although parents can complain to the Secretary of State. A range of responses is shown in <i>letter Annex S</i>.</p>
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Signed on behalf of the Governing Body:

Name:

Signature:

Title:

Date :

Name:

Signature:

Title:

Date :

Name:

Signature:

Title:

Date :

Name:

Signature:

Title:

Date :

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