



## COMPLAINT'S POLICY

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**Responsible Officer – Trust Governance & Policy Manager**

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# 1 OVERVIEW

Nicholas Postgate Catholic Academy Trust and its schools will deal with all complaints in compliance with guidance and regulations set out by the Department for Education, The Education & Skills Funding Agency (ESFA) and The Education (Independent Academy Standards) Regulations 2014.

The Trust has adopted a three-stage process for dealing with complaints:

- Stage 1 – INFORMAL (Complaint heard by member of staff)
- Stage 2 – FORMAL (Complaint in writing and heard by Head teacher)
- Stage 3 – PANEL HEARING (Complaint heard by Complaints Panel)

## **1.1 Purpose of the Complaints Procedure**

This procedure aims to reassure parents and others with an interest in the Trust and/or its schools that:

- Any complaint will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution: and
- The Trust and its schools recognise that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in practices and provision for pupils.

## **1.2 General Principles of Complaints**

### **Stage 1 – (Informal): Complaint heard by staff member**

On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or is in possession of information requiring clarification. Schools need to be clear about the difference between a concern and a complaint. It would be helpful if staff were able to resolve issues on the spot, including offering an apology where necessary. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

At this stage where the complaint concerns the Head Teacher, the complaints can be referred to the Chair of the Local Governing Body or Chair of Interim Academy Board (IAB) where applicable.

Where the first approach is made to a governor, they should refer the complaint to the Head Teacher and advise the complainant of the procedures. It is important that individual governors or the Local Governing Body do not become involved at this stage in case they are needed to sit on a panel at a later stage of the procedure.

## **Stage 2 – (Formal) Written complaint heard by Head Teacher**

If the concern is not resolved immediately and the parent confirms a complaint in writing, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Head Teacher, Key Stage Leader, Head of Faculty, member of the Pastoral and Guidance Team. At this stage the head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. In the case of the complaint being against the Head Teacher, this stage will always be heard directly by the Chair of the Local Governing Body.

## **Stage 3 (Panel Hearing): Complaint heard by Complaints Panel**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## **2 FRAMEWORK OF PRINCIPLES**

Our procedure aims to:-

- encourage resolution of problems by **informal** means wherever possible
- be easily **accessible** and **publicised**
- be **simple** to understand and use
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- ensure a full and **fair** investigation by an independent person where necessary
- respect people's desire for **confidentiality**
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary
- provide **information** to the school's senior management team and the Trust so that services can be improved

## **2.1 Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint makes sure that they:-

- establish **what** has happened so far, and **who** has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

## **2.2 Resolving Complaints**

At each stage in the procedure academies will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

***This procedure will also be adopted by the Trust when dealing with complaints from people who are not parents of attending pupils.***

## **2.3 Dealing with Serial or Persistent Complainants**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. The decision to stop responding to a complainant should never be taken lightly and the school needs to be sure that:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any) and

- They are contacting the school repeatedly but making substantially the same points each time.

If the complainant tries to reopen the same issue, the Chair of the Local Governing Body is able to inform them in writing or via email that the procedure has been exhausted and that the matter is now closed.

### **3 MANAGING AND RECORDING COMPLAINTS**

#### **3.1 Recording Complaints**

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (e-mail). An example of a complaint form is attached at Appendix 5. At the end of a meeting or telephone call the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

A written record of all complaints that are head at Stage 2 and 3 should be maintained by the school including how they were resolved and any action taken by the school as a result of the complaint, regardless of whether the complaint was upheld.

All correspondence, statements and records relating to complaints must be kept confidential.

#### **3.2 Trust and Local Governing Body - Review of Complaints**

The Local Governing Body should monitor the level and nature of complaints a school receives and review the outcome on a regular basis to ensure the procedure is operating effectively and make any amendments where necessary. Complaints information shared with the Local Governing Body should not name individuals.

Any complaints that reach Stage 3 should be reported to the Trust's Board via the Trust's Governance & Policy Manager to allow a decision to be made in advance of the Complaints Panel as to whether a Board member should be on the Panel. The Board should also receive notification of the nature and outcome of all Stage 3 complaints.

As well as addressing the individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, academies may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Local Governing Body can be a useful tool in evaluating a school's and the Trust's performance.

#### **3.3 Publicising the Procedure**

It is recommended practice for the complaints procedures to be publicised and as such details of the procedures could be included in:

- School prospectus
- Information given to new parents when their children join the school
- Information given to the children themselves
- Home-School agreement

- Home -School bulletins or newsletters
- Documents supplied to community users including course information or letting agreements.
- A specific complaints leaflet which includes a form on which a complaint can be made
- Posters displayed in areas of the school that will be used by the public, such as reception or the main entrance
- Trust and School websites

### **3.4 Further Recourse**

There is no further right of appeal to the Local Governing Body or Academy Trust. All complainants have the right, as a last resort, to contact the Education & Skills Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the ESFA via their complaints form on the following link:

<https://www.gov.uk/government/publications/complain-about-an-academy>

### **3.5 The Role of the Education & Skills Funding Agency (ESFA)**

The ESFA can support academies to achieve a compliant procedure but it is the responsibility of academy trust to make sure that their complaints procedure is fully compliant. The ESFA's responsibility is to ensure academies comply with their funding agreements.

The ESFA will check whether the complaint has been dealt with properly and whether it falls into any of the following three areas:

- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- Where the academy is in breach of its funding agreement with the Secretary of State
- Where an academy has failed to comply with any other legal obligation.

The ESFA will not overturn an academy's decision, however, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

## 4 COMPLAINTS PROCEDURE

### Stage 1 (Informal) – Complaint heard by staff member (or Head Teacher)

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff and **governors** should be made aware of the procedures so that they will know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, another member of staff can hear the complainant. Where the complaint concerns the Head Teacher the complainant should be referred to the Chair of the Local Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaint could be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

**Where the first approach is made to a governor, the next step would be to refer the complainant to the Head teacher and advise them of the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.**

The Head Teacher's influence will already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If though the informal process has been exhausted and no satisfactory solution has been found the parent will be asked if they wish the complaint to be considered formally at stage two of this procedure.

If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Head Teacher or Chair of the Local Governing Body using the form attached at Appendix 5. The form should be sent to the Head Teacher or Chair of the Local Governing Body (if the complaint relates to the Head Teacher) within ten school days.

### Stage 2 (Formal) – Written complaint heard by Head Teacher

At this stage the complainant may be dissatisfied with the way the complaint was handled at stage 1 as well as pursuing their initial complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken. Where the Head Teacher has addressed the complaint at stage one, the Chair of the Local Governing Body will become involved at this stage. Where another staff member has addressed the complaint at stage one, the Head Teacher will hear this stage.

The Head Teacher will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint. At this point the Chair of the Local Governing Body and Head Teacher may **still seek to resolve the complaint informally**.



The Head Teacher (or designated person) will investigate the complaint and a written response will normally be made within **ten school days** of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

The written response will include full reasons for the conclusions reached by the Head Teacher and what action, if any, the school proposes to take to resolve the matter.

*(The same process as set out above should be followed for any complaints against the Trust's Central Services employees, which should be put in writing to the Chief Executive Officer in the first instance)*

### **Stage 3 (Panel Hearing) Complaint Heard by Complaints Panel**

If the complainant still remains dissatisfied, they will be advised that a meeting of a Complaints Panel will be convened. The Panel, which is a meeting of the full Local Governing Body, is the last Trust based stage of the complaints processes, and is not convened to merely rubber-stamp previous decisions.

As the Chair of the Local Governing Body may have been involved at an earlier stage in the procedure (particularly where the complaint is about the Head Teacher) it may be wise not to include the Chair as a member of the Panel to avoid any possible reference to the Chair being "impartial".

The Head Teacher would be expected to attend the hearing to give evidence and may also choose to invite staff to attend who had been directly involved in matters raised by the complainant (Subject to the approval of the Chair of the Panel).

The Panel should consist of three members who are not directly involved in the matters detailed in the complaint and of whom at least one is an independent member who is not concerned in the management or running of the school. It is a matter for the school and the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. Schools should request a panel to be constituted through the Trust's Governance & Policy Manager.

The school must allow the parent(s) / complainant to attend the Panel and be accompanied if they wish.

## **5 COMPLAINTS ABOUT A GOVERNOR, THE CHAIR OF THE LOCAL GOVERNING BODY, A HEAD TEACHER, THE CHIEF EXECUTIVE OFFICER OR A MEMBER OF THE BOARD OF DIRECTORS.**

### **5.1 Governor**

Complaints against a Governor should be referred to the Chair of the Local Governing Body who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Trust's Governance & Policy Manager. A Complaints Panel would deal with any appeal against the Chair's response.

## **5.2 Chair of the Local Governing Board**

Complaints against the Chair of the Local Governing Body must be referred to the Trust's Governance & Policy Manager who will arrange for the complaint to be investigated and where other measures are exhausted, considered by a Complaints Panel comprised from Directors of the Academy Trust.

## **5.3 Head Teacher or Trust Central Services Employee**

Complaints against a Head Teacher (or Trust Central Services employee) that cannot be resolved at the Stage 2 level should be referred to the Chief Executive Officer who will arrange for the complaint to be investigated and considered by a Complaints Panel comprised from Directors of the Academy Trust.

## **5.4 Chief Executive Officer**

Complaints against the Chief Executive Officer must be referred to the Chair of the Board of Directors who will arrange for the complaint to be investigated and where other measures are exhausted, considered by a Complaints Panel comprised of Directors from the Academy Trust Board, a Member of the Trust and including an independent person who is not concerned in the management or running of the Trust or any of its academies.

## **5.5 Trust Board or individual Director**

Complaints against the Board of Directors or an individual Director must be referred to the Trust's Governance & Policy Manager who will arrange for the complaint to be investigated and considered by a Complaints Panel comprised of a member of the Trust, other members of the Board of Directors and an independent person who is not concerned in the management or running of the Trust or any of its academies.



# Appendix 1 – Roles and Responsibilities

## Remit of the Complaints Panel

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any governor sitting on a Complaints Panel needs to remember.

- It is important that the panel is independent and impartial and that it is seen to be so. **No director or governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.** In deciding the make-up of the Panel, the Trust needs to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. If necessary, the Panel may be made up of independent governors from other academies and as a minimum one must be an independent member who is not concerned in the management or running of the school
- The aim of the Complaints Panel, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the Panel does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. (see appendix 6)
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the Panel hearing if any the child needs to attend.
- The school must allow the parent(s) to attend the Panel and be accompanied if they wish.
- **The governors sitting on the Panel need to be aware of the complaints procedure.**

## Role of the Clerk

Complaints Panels should be formally clerked. The clerk would then be the contact point for the complainant and be required to:

- Ensure a written acknowledgement of the complaint and the request for it to be heard by the Panel be sent to the parent within **five school days**.

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. This will be within **twenty school days** of receiving the complaint. It will also inform the parent of the right to submit any further documents other than the complaints form (see Appendix 5) and that these must be made available to the Clerk of the Governors within **five school days** of receipt of the acknowledgement letter.
- The Clerk will inform all those concerned of their right to call witnesses to the meeting, subject to the approval of the Chair of the Panel, and their right to be accompanied by a companion of their choice (particularly parents).
- The clerk will also ensure that the Head Teacher or Chair of the Panel provides a written report in response to the complaint and advise them of their right to call witnesses and be accompanied by a supporter. Subject to the approval of the Chair.
- Collate any written material provided by the academy or the parents and send it to the parties at least **five school days** prior to the meeting. This will also include the names of all parties and witnesses (if any) who will be attending the meeting.
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision.

### **Role of the Nominated Chair of the Complaints Panel**

The Chair of the Panel has a key role, ensuring that:

- the correct procedure has been followed
- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption and ask questions
- the issues are addressed and only the issues identified in the complaint.
- Key findings of facts are made
- Parents and others who may not be used to speaking at such a meeting are put at ease
- The Panel is conducted in an informal manner with each party treating the other with respect and courtesy.
- The Panel is open minded and acting independently
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- All parties see written material. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

### **Notification of the Panel's Decision**

**The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response. Any findings and recommendations from the Panel should be provided to the complainant and in addition the person complained about should be made available for inspection on the school premises by the Head Teacher.**

## **Appendix 2 - Checklist for Complaints Panel**

- 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 Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The Complainant may question both the Head Teacher 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 Head Teacher 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 issue.
- The Chair explains that both parties will hear from the Panel within a set time scale.

## Appendix 3 - Procedure for Complaints Panel Hearing

### Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the parent.

The Chair of the Panel will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

### Order of Meeting

1. The Chair welcomes the parent and his/her companion and introduces everyone present.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The Parent/Companion explains the complaint, calling in witnesses if appropriate.
4. The Panel and Head Teacher may question the complainant and witnesses.
5. The Head Teacher/Chair of the Local Governing Body are then invited to present a response to the complaint, including action taken to address the complaint at stage 1 and 2 of the procedure and calling witnesses, if appropriate.
6. The Panel and Parent may question the Head Teacher/Chair of the Local Governing Body.
7. The Panel may ask questions at any point.
8. The parent summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Head Teacher summarises the school's position, highlighting evidence, including anything that has emerged in the questioning.

#### **N.B. No new points to be added at stages 8 or 9.**

10. The Chair of the Panel checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
11. The Chair of the Panel thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
12. The Panel considers the complaint and reaches a unanimous or majority decision. The Panel also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
13. When a decision has been made, the Chair informs both parties in writing of the outcome of the complaint.

## Appendix 4 - Complaints Flowchart

<b>CONCERN OR COMPLAINT RECEIVED</b>
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<b>INFORMAL STAGE 1</b>	<b>SCHOOL ACTION</b>
<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue.  <b>If the complaint is about the Head Teacher – proceed to Stage 2</b></p>	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the academy’s complaints procedure and information on how to proceed to stage 2.</p>
<b>FORMAL PROCEDURE- STAGE 2</b>	<b>SCHOOL ACTION</b>
<p>The complaint is submitted in writing to the Head Teacher.</p>	<p>The Head Teacher acknowledges receipt within 5 academy days and provides a full written response within 10 academy days. Information is provided to the complainant on how to progress the complaint to stage 3.</p>
<b>PANEL HEARING – STAGE 3</b>	<b>SCHOOL ACTION</b>
<p>Complaints Panel convened.</p>	<p>Clerk arranges for Panel to meet within 20 academy days from receipt of letter and informs the complainant of findings with 5 academy days of hearing.</p>
<b>FURTHER RECOURSE</b>	
<p>Complainant referred to ESFA</p>	<p>The ESFA will not overturn an academy’s decision, however, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.</p>



## Appendix 5 – Complaint Form

*School Heading or Logo*

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

**It is however very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff 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 Head Teacher or Chair of the Local Governing Body.

Your Name:
------------

Child's Name .....	Class/Group
-----------------------	-------------

Your Address:
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Contact Details: .....(work)	(mobile) .....	(home)
---------------------------------	----------------	--------

Details of Complaint: <i>(Please be as specific as possible, e.g. giving dates, who was involved and where etc)</i>
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*Please attach a continuation sheet/additional information if you wish*

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 \*(delete as appropriate)

If so, to whom, and when?

What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the school?

Signed ..... Date  
.....  
(Parent/Guardian)

**FOR OFFICE USE ONLY**

Date form sent to parent/carer:	Date form received:
---------------------------------	---------------------

Parent/Carer's Name
---------------------

Address
---------

Child's Name and DOB:	Relationship to Child:
-----------------------	------------------------

Tel. No.	Informal Complaint:	Formal Complaint:
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Nature of Complaint
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Informal Action List action taken to resolve informal complaint:
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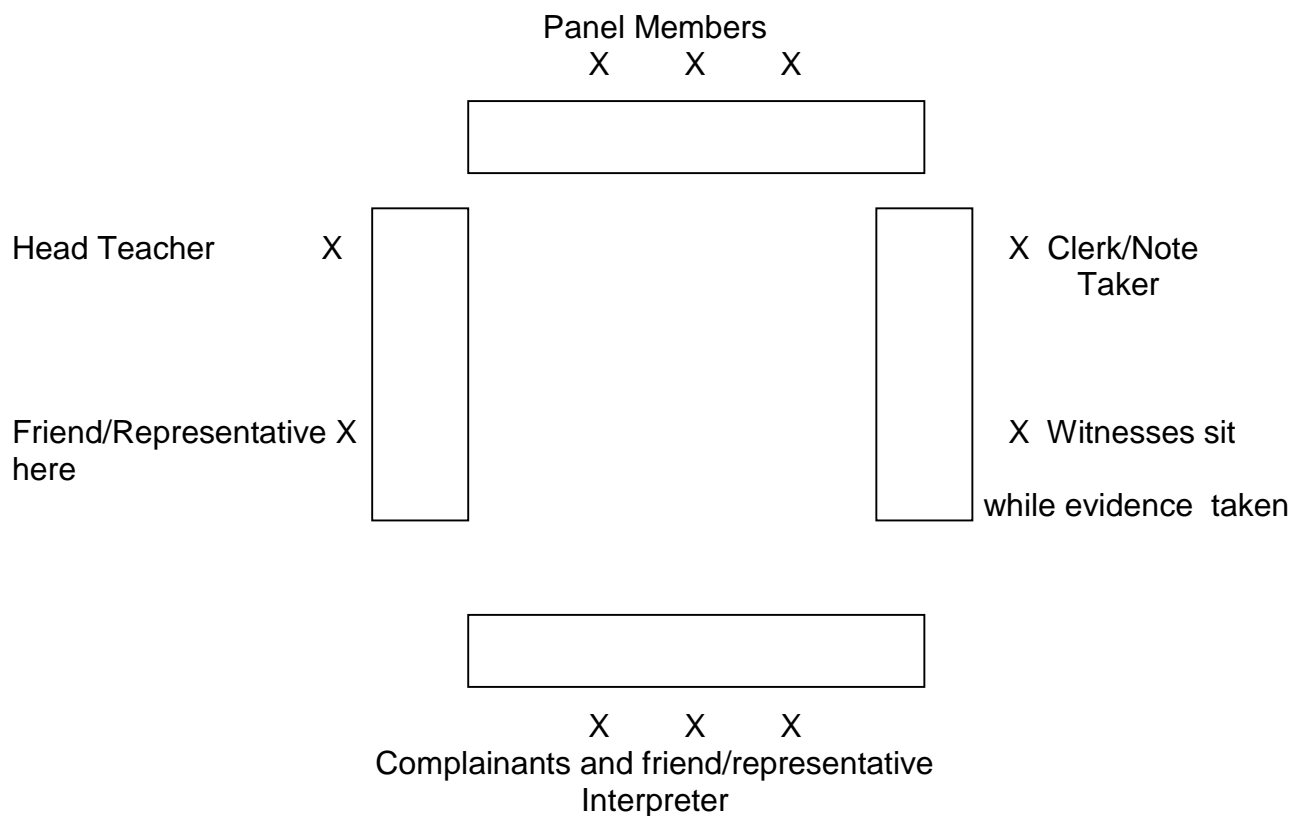
Outcome of Informal Complaint:
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Formal complaint forwarded to Head Teacher/Chair of LGB for action:
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Any other Comments:
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Formal Complaint forwarded to Local Governing Body for action:
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## Appendix 6 - Suggested layout for a Complaints Panel Hearing



It is important that the Head Teacher, staff and complainants are treated equally at all times, **e.g. that the Head Teacher is not in the room with the Panel members without the complainant and vice-versa.**