



# St Joseph's Catholic Primary School

## SCHOOL COMPLAINTS PROCEDURES

(Taken from the Herts County Council model procedures)

### **Mission Statement:**

Let it be known to all who enter here that Christ is the reason for this school, the unseen but ever present teacher in all its classes, the model for its children, the inspiration for its staff.

**Love and Learn in the Footsteps of Christ!**

### **Procedures Review**

These procedures will be reviewed in full by the Governing Body annually.

The procedures were last reviewed and agreed by the Governing Body on

It is due for review in December 2018

Signature ..... *Linda Payne* ..... Date .....

Head Teacher

Signature ..... *Adrian Ramsden* ..... Date ...

Chair of Governors

**Love and Learn in the Footsteps of Christ!**

## 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 process. It is for the use of Headteachers and Governors only.**

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**Formal Complaint form**

**Sample letters**

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**School Governance can answer Governors' questions on this material**

**Website:** [www.hertfordshire.gov.uk/governors](http://www.hertfordshire.gov.uk/governors)

**Email:** [governance@hertsforlearning.co.uk](mailto:governance@hertsforlearning.co.uk)

**Telephone:** 01438 843082

**This material is also available to download at [www.thegrid.org.uk](http://www.thegrid.org.uk)**

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Training to support the good practice guidance contained within these model procedures can be arranged through the Hertfordshire School Governance Team:

**Website:** [www.hertfordshire.gov.uk/governors](http://www.hertfordshire.gov.uk/governors)

**Email:** [governance@hertsforlearning.co.uk](mailto:governance@hertsforlearning.co.uk)

**Telephone:** 01438 843082

## Guidelines for School Management - Hearing Stage 2 Formal Complaints

### Checklist of actions

Complaint from .....dated .....

#### Upon receipt of a formal letter of complaint

Tasks	Done (date)	Notes
Acknowledge receipt of formal complaint (Chair of Governors).		<p><i>See complaint form, Annex A and letter, Annex B.</i></p> <p>Has the parent followed procedure – Informal; Stage 1?</p> <p>If no: Chair of Governors should write to parent informing them of the procedure and advise them to write to Headteacher.</p> <p>If yes: Follow process outlined here.</p> <p>If clarity is needed in respect of the complaint, the Chair of Governors should seek to obtain this in writing from the complainant or by meeting with them with a Note Taker present. This will support the Panel in having a clear understanding of the complaint. <i>See Annex E.</i></p>
At the same time inform the Headteacher that a complaint has been received (Chair of Governors).		<i>See Annex C.</i>
Arrange a Panel of Governors to hear the complaint (Chair of Governors)		<p>The Panel will typically consist of 3 Governors but it is up to the Governing Body to decide the number for hearing complaints*.</p> <p>The membership of this group should have been established at the first meeting of the autumn term with reserves in case any of the Governors need to withdraw because they have prior knowledge of the incident or have a conflict of interest or are unavailable.</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>The Governing Body must delegate powers <b>to reach FINDINGS</b> on whether the Parents'</p>

		<p>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 <b>to report RECOMMENDATIONS</b> 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> <p>*(The law only specifies at least three Governors in the case of dismissal and exclusions)</p>
<p>Inform Complaints Team if required (SEN only).</p>		<p>The Complaints Team should be informed in the case of a complaint about the provision of SEN. <i>See Annex D.</i></p>
<p>Panel receives a copy of the formal complaint (as agreed or clarified by the Chair of Governors and Complainant where necessary)</p>		<p>In particular you will need to be clear whether the Panel is being asked to consider the original incident, or how the Headteacher has dealt with it. In practice, it is unlikely that it will be possible to separate the two entirely.</p> <p>However, if the original incident related to something for which the Headteacher was responsible under internal management (e.g. class organisation) the Governing Body/Panel must ensure that the complainant is aware that it has no power to change the Headteacher's decision – only to review how s/he dealt with the situation and make recommendations if appropriate.</p>
<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"> <li>• signed statements.</li> </ul>		<p>A member of Staff, Parent or Pupil (see final paragraph) may be a vital witness.</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. Schools are not encouraged to obtain children's witness statements that identify individual children. If however a child's statement/evidence is considered necessary, parents must be informed and invited to the interview where the statement is to be taken.</p>

<ul style="list-style-type: none"> <li>Panel requests witness to attend.</li> </ul>		<p>In order to avoid requiring an unwieldy number of witnesses appearing at the hearing, the Panel would be advised to seek signed and dated statements from witnesses. These statements must be included in the Panel Pack sent to all relevant parties before the hearing (at least 7 school days beforehand – see ‘send out papers below’). The witnesses would only be required to attend the hearing if the complainant(s) or the Headteacher could show good reason for challenging their testimony - both that their testimony was critical to the case and that it could be contradicted.</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. See <i>Annex G</i>.</p> <p>Note: No child may be requested to attend without written Parental permission. Complainants cannot insist that a witness attends. However, signed, dated and named witness statements will always be considered by the Panel. Please note that it is up to the Panel to decide whether to invite a witness to the hearing. The Panel cannot insist on anyone attending a hearing except staff members.</p>
<p>Decide the date of the complaint hearing and secure a Clerk.</p>		<p>The date should be as soon as possible and within <b>28 school days (5½ weeks)</b> of the date of the complaint/receipt of the complaint (if outside of this timescale, there should be a compelling reason and all parties informed) and consistent with giving time for the necessary evidence to be collected, copied and distributed to all concerned at least 7 school days before the hearing (see below).</p>
<p>Write to Parents and Headteacher informing them of the date of the hearing.</p>		<p>At the same time ask them to provide any further written evidence to support their formal complaint at least <b>10 school days (2 weeks)</b> before the hearing.</p> <p>Also ask them to say if they will be accompanied by a friend and to give the name of that person and in what capacity they are attending (Friend, Interpreter, Solicitor, Union Official, etc). See <i>Annex H</i>.</p> <p>The Panel reserves the right to refuse entry to anyone whose attendance has not been confirmed.</p>

Write to any member of Staff named in the complaint to offer them an opportunity to attend the hearing.		You may not wish to call upon them, but they have a right to attend. They may be accompanied by a friend or representative, however the latter must not have a conflict of interest. <i>See Annex I.</i>
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### Preparing the formal hearing

Tasks	Done (date)	Notes
Decide the format of the hearing.		<p>A schedule describing the suggested 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/hearing). It is not appropriate for the Headteacher/respondent and complainant 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 the Headteacher/respondent and complainant would have asked. At the end of their questioning, the Chair of the Panel should ask the complainant and Headteacher/Respondent for their closing comments.</p>
Send out papers to Parents, Headteacher/respondent, etc.		<p>These should arrive at least 7 school days before the hearing. This allows good time for everyone to study them. <i>See Annex K.</i></p> <p>Papers should include:</p> <ul style="list-style-type: none"> <li>• all the documentary evidence</li> <li>• names and status (i.e. Friend, Solicitor, Interpreter, Union Official, etc) of everyone who will attend including any witnesses.</li> <li>• a schedule describing the format of the hearing. <i>See Annex J.</i></li> <li>• Please note that the Panel may need to consider some evidence that must remain confidential and not be shared externally beyond the Panel (e.g. when evidence contains 3<sup>rd</sup> party information).</li> </ul>
Ensure there is an appropriate meeting room to conduct the hearing.		For suggested layout see <i>Annex L</i> .
Prepare questions the Panel needs to ask on the basis of all available documentation.		<i>See Annex M.</i>
Decide where Parents,		It is important that Headteacher/Respondent and

Headteacher/Respondent and any witnesses will wait.		Complainant go into the hearing and leave at the same times, ushered by the Clerk, so there is no suggestion that the Panel have been 'got at'. This includes any breaks or adjournments.
Clerk takes notes and ensures procedural compliance.		These notes should enable members of the Panel to check back on any significant points that were made at the hearing. Members of the Panel should avoid taking minutes and focus on 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. The Chair of the Panel should make it clear that recording of the hearing is not permitted and that any unauthorised recordings will be inadmissible as evidence.
Reflect with all Panel members on how the Panel can ensure that Parents, Headteacher (and any other Staff involved) feel that they have been given a fair hearing, where possible.		Hearings continue in absentia should either or both parties opt to leave (or fail to attend at all). Ensure both parties are aware of this.

### When the Panel has reached its conclusions

Tasks	Done (date)	Notes
Write with your conclusions to the Parents within <b>5 school days (1 week)</b> .		<i>See Annex N.</i>  The Panel should aim to keep its findings brief and simple.  Recommendations should not be included at this time (see overleaf).
Write to the Headteacher enclosing a copy of your conclusions to the Parents.		<i>See Annex O.</i>
Report to Governing Body		<i>See Annex P</i>  The findings and recommendations should be presented to the Governing Body within in a reasonable timescale. If a meeting is not scheduled within 5 weeks after the hearing, it is recommended that an extraordinary meeting is called.  This confidential report should draw the distinction between the Panel's findings and its

		<p>recommendations.</p> <p>The Governing Body must delegate the power to determine their <b>findings</b> from consideration of all the evidence. This means that the findings must be accepted by the Governing Body. However, the Panel may make <b>recommendations</b> to the full Governing Body based on lessons learned from the investigation of the complaint. Any recommendations will be subject to discussion by the Governing Body and may not be accepted.</p> <p>In the event of a disagreement to accept recommendations, a majority vote decides.</p>
Report to Complaints Team where required (SEN only).		Governing bodies are required to report the outcome of complaints regarding SEN to the LA. See <i>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.		See <i>Annex R</i> .

### **If the Parent is not satisfied with the outcome of the hearing**

Acknowledge receipt of their letter and respond appropriately. If the complaint is not about SEN provision, see <i>Annex R</i> .		<p>Complaints about the provision of SEN may move to Stage 3 with the LA. Remember however - If Parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within <b>20 working days (4 weeks)</b> of receiving the written outcome of the hearing. After <b>20 working days (4 weeks)</b>, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further. 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>Annex S</i>.</p>
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**What would you like us to do to put things right?**

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<b>Signed</b>	
<b>Date</b>	

**Please return this form to the Chair of the Governing Body**

It is strongly recommended that all parents are asked to fill out this form and return it

**Letter of acknowledgement to Parent on receipt of complaint**

Dear .....

**COMPLAINT ABOUT.....**

I am writing to acknowledge receipt of your complaint dated  
.....

I shall arrange for a Panel of Governors to consider your complaint. Communication hereafter will be from a member of the Panel once they have been appointed. They will make contact with you to introduce themselves shortly to offer a couple of suggested dates for the formal hearing to take place.

Once the date has been established, you will receive a further letter which will confirm all of the details as well as any requests the Panel may have for you.

Or

There is no record of you raising this matter with the school in the first instance. Please note the process in the enclosed complaints procedure.

I have passed the paperwork to the Headteacher to give the school the opportunity to respond and seek resolution. The Governing Body cannot intervene before this process has been applied.

I enclose a copy of our complaints procedure.

Yours sincerely,

**Chair of the Governing Body**

Enc.

Cc. Headteacher

**Letter to Headteacher on receipt of Parent's complaint**

Dear .....

**COMPLAINT ABOUT .....**

I have received a letter of complaint from .....(name of Parent) dated ..... I enclose a copy of the complaint for your information.

In line with our complaints procedure, I shall arrange a Panel of Governors to investigate the complaint.

The Panel will meet to decide what it needs to do to ensure it has all the relevant evidence and to plan a realistic timetable for investigation.

When this planning is complete, we shall write to you again with further details. You should receive that letter by.....

You will appreciate that the Governing Body must be equally fair to both sides in investigating this complaint.

I would be grateful if you could send me a written statement responding to the complaint. You will have an opportunity to expand on the statement but it would be very helpful if you can submit your initial statement before the Panel meets to plan its investigation on ..... (Amend or delete as applicable).

Yours sincerely,

**Chair of the Governing Body**

Enc.

**Letter to Complaints Team informing about a complaint concerning  
SEN**

Complaints Team  
Customer Service Team  
County Hall  
Hertford  
SG13 8DF

Date .....

Dear

**COMPLAINT CONCERNING SEN**

The Governing Body has received a complaint from name  
..... dated ..... concerning  
.....

I enclose a copy of the complaint.

The Governing Body will investigate the complaint and report the outcome to  
you as soon as the investigation is complete.

Yours sincerely,

**Chair of the Governing Body**

Enc.

**Considering the evidence**  
**A suggested format for clarifying issues and seeking information**

**What is the complaint?**

**What facts are not disputed?**

- 
- 
- 
- 
- 

**What facts do we need to establish?**

**How?**  
*(documentation from .....  
questioning of .....)*

**Comments**

**Letter to Parent inviting them to clarify the complaint**

Dear .....

**COMPLAINT ABOUT .....**

The Chair/Clerk has passed your complaint to me as the Chair of the Complaints Panel. The Panel of Governors has met to plan our investigation of your complaint. Members of the Panel are ..... (named Governors)

We would like to get a clearer understanding of your complaint before we start the investigation. The questions we would particularly like to ask are:

(Fill in here)

We think it would be helpful if you could meet with the Panel to clarify your complaint. We have arranged a meeting on .....(date) and hope that you will be able to attend. If you cannot attend on that date please contact me (telephone) and we shall try to arrange another time. You may prefer to write with more details. If so, please reply by .....(the day before the suggested meeting date).

Your daughter/son .....(name) may also be able to help us clarify some points. We should be very pleased if you are able to bring her/him with you to this meeting. We cannot insist that she/he attends. Please note that the Panel reserves the right to decide whether or not to hear representations from your child. For example, if the Panel considers that your child may become distressed as a result of the process, it may exercise its discretion not to hear from your child.

**The meeting we suggest is not a formal hearing of your complaint.** The Panel would not come to a decision at this stage.

You may be accompanied at the meeting, if you wish, by a friend, or representative who may speak on your behalf. *(You may also bring an interpreter of your choice, if you need one.)*

Please let me know, as soon as possible, whether you will attend the meeting on ..... (date).

Yours sincerely,

**Chair of Complaints Panel**

**To member of Staff required to give evidence**

Dear

**COMPLAINT ABOUT .....**

The Governing Body has received a complaint from ..... and a Panel has been convened to consider the complaint comprising ..... (named Governors).

The Panel is keen to establish all the relevant facts and it would be very helpful if we could interview you to ascertain ..... (what are the questions you wish to ask?).

We are therefore asking you to attend .....(the arrangements that you have decided).

**This meeting is not a formal hearing of .....’s complaint** but you are entitled to be accompanied by a friend or representative, if you wish. I should be grateful if you would confirm your attendance at this meeting and let me know the name and status of any friend or representative who will accompany you.

I enclose a copy of the school’s complaints procedure for your information.

Yours sincerely,

**Chair of Complaints Panel**

Enc.

**Letter to Parents and Headteacher giving date of the formal hearing**

Dear .....

**COMPLAINT ABOUT .....**

The Chair/Clerk has passed your complaint on to me as the Chair of the complaints Panel. The Panel of Governors has met to plan our investigation of your complaint. Members of the Panel are .....(named Governors).

We have arranged a formal hearing of the complaint on .....(date and time) at ..... (venue).

You are entitled to be accompanied by a friend or representative, if you wish. I should 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 ..... (date, at least 9 school days ahead of formal hearing). You must let us know in which capacity the additional person is attending - Interpreter, Legal Representative, Friend, etc). Please note that they will not be invited to make representations to the Panel unless it has been requested that they make formal representations on your behalf.

I shall write to you by .....(date, at least 7 school days ahead of formal hearing) to let you know the names of everyone attending the formal hearing and enclosing copies of all the written evidence provided by the parents, the Headteacher and any witnesses. If you wish to submit any further evidence, please send it to me by ..... (date, at least 9 school days ahead of formal hearing).

It is imperative that you submit all of your evidence by the date indicated. In the event that you fail to do so, the Panel reserves the right to reject late submission of evidence, or to delay the hearing taking place.

Yours sincerely,

**Chair of Complaints Panel.**

C.c. Parent/Headteacher

**N.B. The first paragraph of this letter will need to be amended if you have already sent the letter in Annex C.**

**Letter to member of Staff named in the complaint**

Dear .....

**COMPLAINT ABOUT .....**

The Governing Body has received a complaint from .....  
(named Parents) in which you are named. I enclose a copy of the complaint  
and the school's complaints procedure for your information.

We have arranged a formal hearing of the complaint on  
.....(date and time) at ..... (venue).

As a member of Staff named in the complaint you are entitled to attend  
although we do not wish to call you as a witness. You are entitled to be  
accompanied by a friend or representative, if you wish.

I should be grateful if you would let me know whether you wish to attend this  
hearing and inform me of the name of any friend or representative who will  
accompany you by ..... (date, at least 9 school days ahead of  
formal hearing). It would help us to know in which capacity the additional  
person is attending - legal representative, union representative, friend etc).

I shall write to you by .....(date, at least school 7 days  
ahead of formal hearing) to let you know the names of everyone attending the  
formal hearing and enclosing copies of all the written evidence provided by  
the Parents, the Headteacher and any witnesses.

Yours sincerely,

**Chair of Complaints Panel**

### Format of Hearing

Stage A	Introductions of everyone present and clarification of the complaint lodged and conduct of the hearing. Panel Chair checks that everyone has a copy of this Format of Hearing on the table.
Stage B	Parents present summary of complaint highlighting points made in their written complaint and other documentation. Witnesses are called as and when required. Panel questions Parents to clarify the points they make.
Stage C	Headteacher/respondent presents the facts as s/he perceives them - highlighting points made in the written response and other documentation. Witnesses are called as and when required. Panel questions Headteacher/respondent to clarify the points s/he has made.
Stage D	Parents summarise their case highlighting evidence including anything that has emerged in the questioning.
Stage E	Headteacher/respondent summarises the case for the school highlighting evidence. This should include the school's response and actions in relation to the complaint before the hearing and anything that has emerged in the questioning.
Close	Panel Chair thanks Parents and Headteacher for attending and gives an indication of when they can expect to hear the outcome. Parents and Headteacher leave the room together. Panel considers all the evidence and comes to its conclusion.
NB. Parents and Headteacher /respondent are not invited to question each other. If you have adopted a Diocesan complaints policy, please check the guidance contained as it may differ from these model procedures.	

➤ The Panel also needs to take the following points into account:

- The hearing should be as informal as possible.
- Witnesses should only be required to attend for the part of the hearing in which they give their evidence.
- The Panel may ask questions at any point or adjourn the meeting.

**Letter to Parents and Headteacher enclosing papers**

Dear .....

**COMPLAINT ABOUT .....**

Thank you for providing the information we asked for in our letter of ..... date (Annex G)

I am now in the position to give you full details about how we propose to conduct the hearing of your complaint on (date) and to enclose all the statements and other evidence we shall use to consider your complaint.

The hearing will start at (time). You are asked to report to the school office. You will be shown to a waiting area. The Clerk will collect the Headteacher and the Parents from the waiting area and you will be introduced to the Panel at the same time (amend as appropriate).

The hearing will be attended by: *(insert names)*

- *Members of Panel*
- *Clerk/Notetaker*
- *Parents*
- *Friend/Representative (indicating status)*
- *Headteacher*
- *Head's Representative (indicating status)*
- *Witnesses (if required)*
- *Additional named Staff (who are entitled or have expressed an intention to attend).*

The following written statements and evidence is enclosed:

- *Statement of Complaint*
- *Headteacher's statement*
- *Statements from witnesses*
- *Any other evidence*

The Panel will refer to the enclosed documents and seek answers to questions to help them come to a decision. The format of the meeting is described on the attached sheet. *(enclose Annex J amended as required)*. I wish to remind you that the Panel will investigate the process by which any decisions which are the subject of your complaint were arrived at.

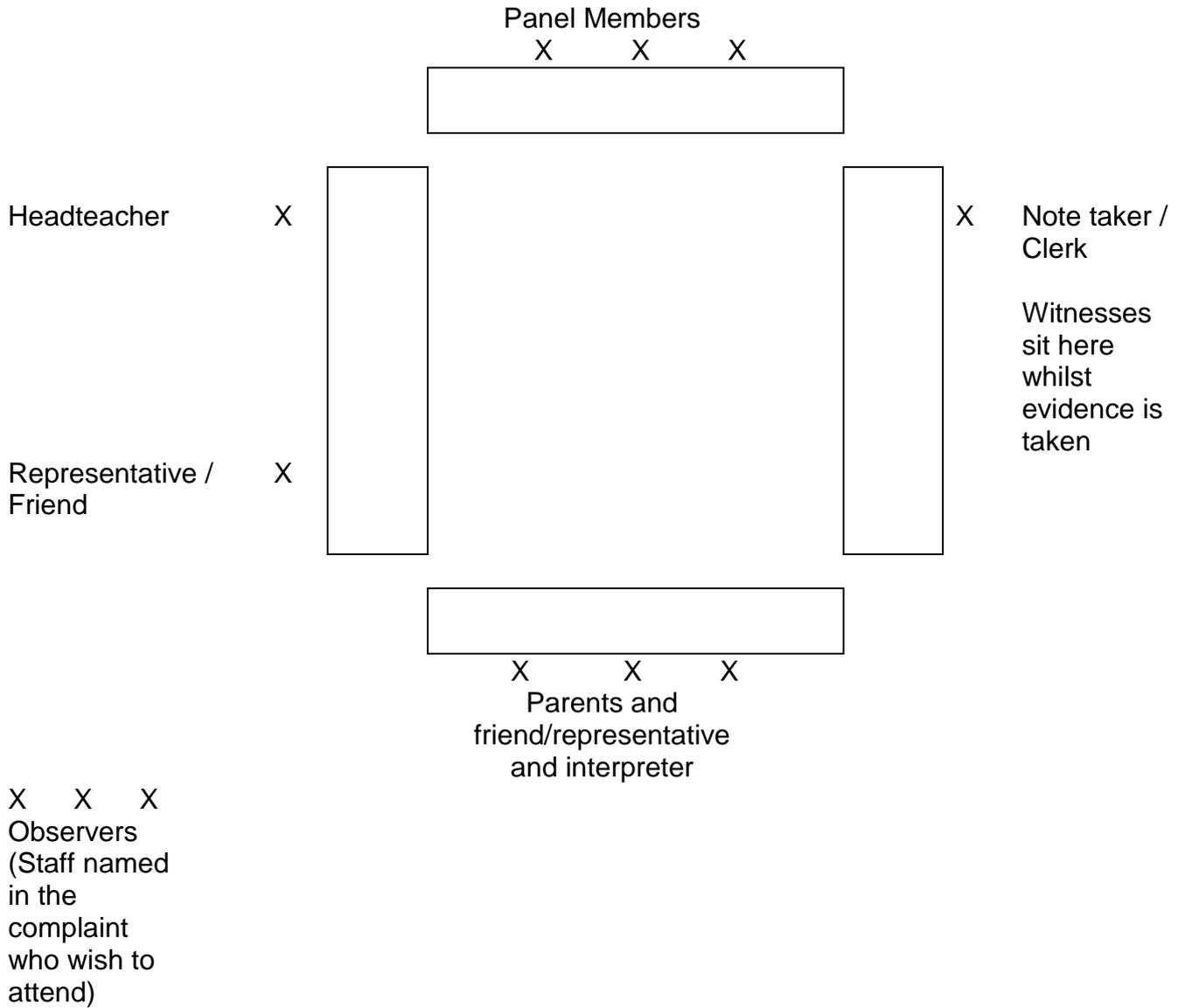
We look forward to meeting you on .....

Yours sincerely,

**Chair of Complaints Panel**

Enc.

Suggested layout for Complaints Hearing



**Questions for the hearing**  
**A suggested format for the Panel to agree lines of questioning and to**  
**record evidence provided at the hearing.**

**What is the  
complaint?**

**What facts are not  
disputed?**

- 
- 
- 
- 
- 
- 

**What facts do we  
need to establish?**

**What questions  
do we need to  
ask of whom?**

**Conclusions**

**The Panel's Conclusions about the Complaint**

Dear .....

**COMPLAINT ABOUT.....**

Thank you for attending the hearing on ..... The Panel considered the evidence very carefully and we have come to the following conclusion(s).

Complaint Upheld / Partially Upheld / Not Upheld / etc

*Optional addition:*

As a result of our investigation there are a number of recommendations that we shall be making to the Governing Body. We shall write to you again to inform you of any action the Governing Body decides to take as a result of this incident.

Yours sincerely,

**Chair of Complaints Panel**

Cc. Headteacher

Any Staff Member named in the complaint  
Complaints Team (SEN only)

**Letter to Headteacher with the Panel's conclusions**

Dear .....

**COMPLAINT ABOUT.....**

Thank you for attending the hearing on ..... The Panel considered the evidence very carefully and we have come to the following conclusion(s).

*Add a paragraph about any action that you propose to take or recommendations you will make as a result of these conclusions.*

I enclose a copy of the letter that we have sent to the Parents.

Yours sincerely,

**Chair of Complaints Panel**

Enc.

(Please ensure that a copy of this letter is shared with the member of staff named in the complaint – if applicable)

**STRICTLY CONFIDENTIAL**

**Report from the Complaints Panel**

Report on a complaint: .....  
(give brief summary of complaint – no personal details)

Hearing date .....

Panel membership

- .....
- .....
- .....

The Panel reached the following findings (exact wording from letter to the Parent(s))

The Panel asks that the following recommendations be considered by the full Governing Body meeting on .....

- (a)
- (b)
- (c)
- (d)
- (e)

**Copy to Complaints Team (if complaint concerns the provision of SEN)**

Complaints Team  
Customer Service Team  
County Hall  
Hertford  
SG13 8DF

Dear

**MR AND MRS .....**  
**COMPLAINT ABOUT.....**

Please find enclosed the letter which we have sent to .....  
(named Parents) with the Panel's conclusions following a hearing of their  
complaint on ..... (date).

Yours sincerely,

**Chair of Complaints Panel**

Enc.

**Letter to Parents following discussion of any recommendations  
by the Governing Body.**

Dear.....

**COMPLAINT ABOUT .....**

When we wrote to you with our findings following the investigation of your complaint we told you that we would be making some recommendations to the Governing Body. The Governing Body has discussed our recommendations and has agreed the following action(s).

(List actions and timescales for completing them here)

Yours sincerely,

**Chair of the Governing Body**

**Letter to Parents not satisfied with the Panel's conclusions**

Dear.....

**Complaint about .....**

I am sorry to hear that you are not satisfied with the conclusions we reached in respect of your complaint. The Panel made every effort to be scrupulously fair in hearing your complaint and taking account of all the evidence presented to it.

I can confirm that the school's complaints procedure has now been exhausted and there is nothing further that neither I nor any other member of the Governing Body can add.

Since this is a complaint about the provision of Special Educational Needs, you may lodge a third stage complaint with the Local Authority. You may write to the Children's Services Complaints Team, County Hall, Hertford, SG13 8DF (Delete as appropriate).

Or (if not an SEN provision complaint)

You may make a complaint to the Secretary of State at the Department for Education if you believe the Governing Body has acted unreasonably or unlawfully. The Secretary of State's address is: Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

Yours sincerely,

**Chair of Complaints Panel**

### **Vexatious Complaints**

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 procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for Staff;
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of eliciting different responses.
- the complainant refuses to follow established processes.

If the situation is challenging but it is possible to proceed, Staff should avoid giving unrealistic expectations on the outcome of the complaint. In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that schools are most likely to consider are:

- requesting contact in a particular form (e.g. – letters only);
- requiring contact to take place with a named member of Staff (e.g. – Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **New English Fluency Duty**

On 21 November 2016, Central Government introduced a new Code of Practice. This is a statutory requirement which specifies that all public sector workers in a 'customer facing' role must be able to speak English fluently.

### **Does this apply to Schools and Academies?**

Yes. The duty applies to all bodies which carry out functions of a public nature, including Schools and Academies.

### **How does this affect staff?**

The duty applies in respect of all employees, including agency staff, self-employed contractors and apprentices. Existing employees are covered, as well as new recruits. This includes reception staff, teaching assistants, lunchtime organisers, learning mentors, and other roles depending on their duties and interactions with parents and members of the public. Teachers in Local Authority maintained schools are already subject to a language standard through annual appraisals.

### **What is fluency?**

Fluency relates to an individual's ability to speak with confidence, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand. The Government's Code of Practice identifies different levels of fluency. It is important that schools apply a minimum threshold level. For those posts where a greater level of fluency and interaction is required, it is recommended that a higher threshold level is applied.

### **Fluency Test**

Schools must satisfy themselves that public facing staff speak fluent English. This could be through a formal test, or the individual may demonstrate fluency through conversation during the interview process. Existing employees may have already proven themselves in the job.

### **What do Schools and Academies need to do?**

Consideration needs to be given as to how fluency will be assessed. Recruitment practices may need to be adapted to incorporate the new duty. Job advertisements should clearly state the standard of English required for the role and schools must objectively measure candidates against that standard. It is important to ensure consistency across similar roles. It is also vital to ensure all applicants are treated in the same way, to avoid any breach of the Equality Act. Obviously, existing staff in roles which the duty now applies to, need to be considered, especially if they might fall short of the required standard.

### **Handling Complaints**

The Code requires Schools and Academies to operate a complaints procedure so that if somebody wishes to complain about a lack of English fluency it will be investigated and responded to formally. This does not need to be a separate stand-alone policy, so your school complaints policy will suffice for this purpose.