

# Responding to Concerns about Surrey County Council Schools

Guidance for Parents, Carers and the General Public

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# A Complaints Procedure For Surrey Schools

## Introduction

This guidance and complaints procedure, developed in consultation with parents and other stakeholders, is intended to be a good practice guide that will apply to most general complaints received by schools. The aim of this procedure is to seek a resolution to a complaint and restore positive relationships. In the case of parental complaints the aim should be to arrive at a resolution that is in the best interests of the pupil and must also take into account the interests and special educational needs of all pupils in the school.

There is separate advice in this document that gives specific guidance on bullying and how parents can work with schools to try and prevent this. Bullying is a common cause for concern by both parents and pupils and is best dealt with by the school and parents working in partnership. Complaints regarding bullying are subject to these complaint procedures and schools can access a range of advice and support from Surrey County Council and other national agencies to help them address this issue.

The 2002 Education Act places a duty on school governing bodies to establish procedures for handling general complaints about their school, including bullying. Schools must ensure these procedures are publicised to parents and others. Most Surrey County Council Maintained Schools have adopted this procedure but you should check with the school and request a copy of the school's complaints procedures.

It is the responsibility of the school to investigate and respond to complaints. The Local Authority (Surrey County Council) has no role, other than to provide procedural advice to complainants and schools, except in the circumstances outlined in the table on page 4. The Local Education Officer (LEO) Teams specialise in complaints handling advice and are available to the majority of Surrey schools who choose to purchase their service. You are entitled to basic procedural advice from the LEO Team but officers can only become involved in the resolution of the complaint at the request of the school.

Section 39(1) of the 1998 School Standards and Framework Act sets out specific instances where the Local Authority, or its agents, are required to investigate the concern in conjunction with the school (see table on page 4). This is irrespective of whether or not the school has chosen to purchase the LEO or other services provided by VT Four S (e.g. curriculum advice and personnel management support).

The Local Education Officer Team can be contacted via the Surrey County Council Contact Centre 03456 009 009.

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

Section 39 School Standards & Framework Act Complaints regarding: Provision of information, Delivery of, or withdrawal from, the national curriculum, religious education or collective worship and Non-approved external qualifications or syllabuses.	Governors agreed complaints procedure applies, but complainant has further right of appeal to the Local Authority. For further information contact the Local Education Officer Team via Surrey County Council Contact Centre 03456 009 009
Complaint by a member of school staff	School Grievance Procedure. For further information contact the school.
Pupil Exclusion	Right to make representations about fixed term exclusion to Governors' Pupil Discipline committee. Right of appeal to independent panel for permanent exclusion. For further information contact the Exclusion and Reintegration Advisory Teachers via Surrey County Council Contact Centre 03456 009 009.
Admission to school	Local Authority policy on school admissions with right of appeal to independent panel if admission is refused. For further information contact the School Admissions Team via Surrey County Council Contact Centre 03456 009 009.
Child Protection/Safeguarding	Surrey Safeguarding Childrens Board procedures apply. Contact the Surrey County Council Contact Centre 03456 009 009.
Statements of Special Educational Needs (SEN)	Local Authority statutory assessment procedures apply if parent requests a statement. Right of appeal to independent SEN Tribunal. For information contact the SEN Administration Team via Surrey County Council Contact Centre 03456 009 009.

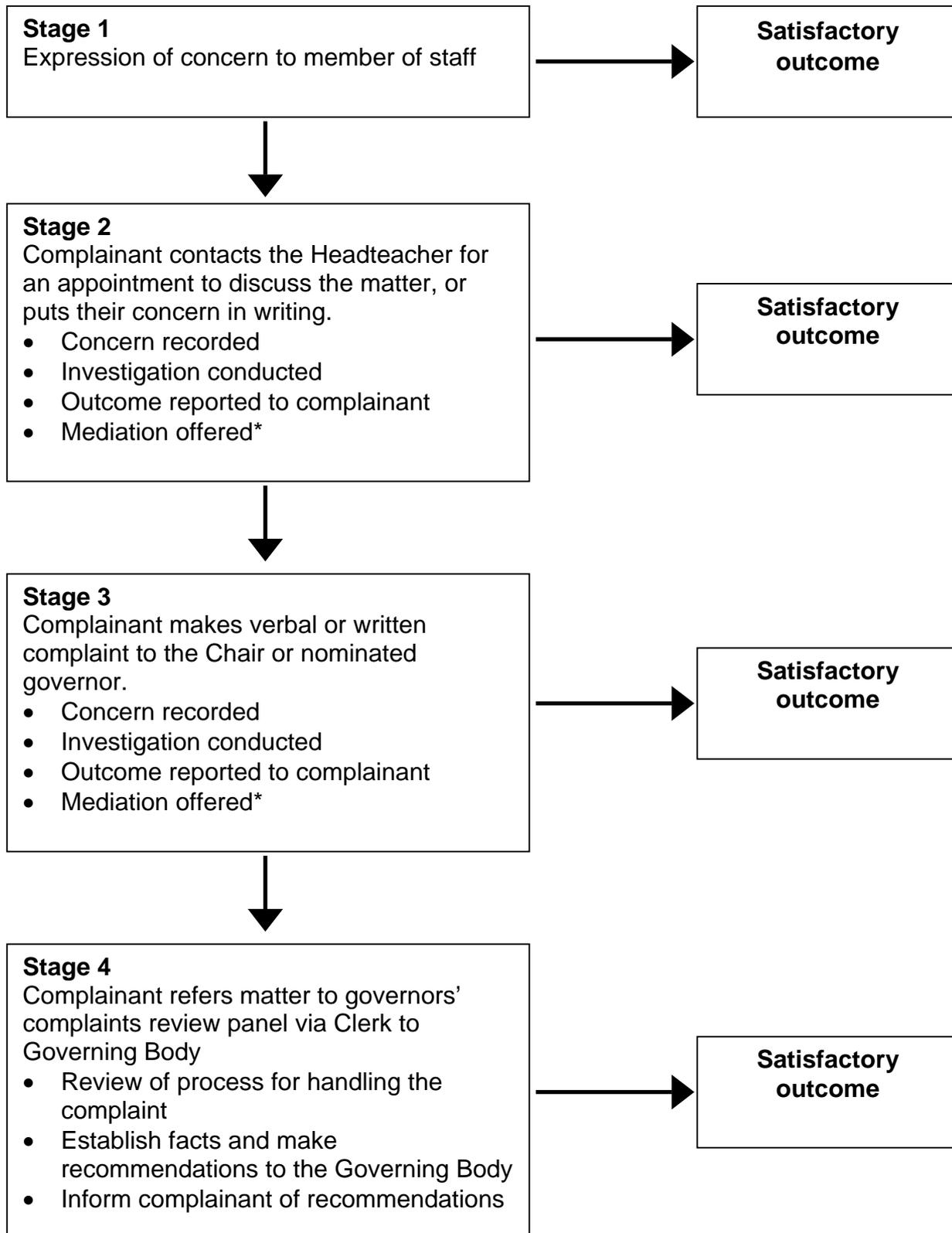
## General Principles

- The aim of these guidelines is to achieve a resolution to concerns and complaints made by parents or members of the public. Most concerns can be resolved informally without any need to involve governors or the Local Authority. However, if a concern becomes a complaint then this four-stage process will be used. It is not possible to jump stages in the procedure, it is a fundamental principle that each party must be allowed the opportunity to resolve the complaint before it is escalated to the next stage.
- The majority of parents/carers of children attending Surrey schools have a positive relationship with their child's teachers and other school staff; this relationship is based on mutual respect and an understanding that both parties have the child's best interests at heart. This is the basis on which all schools operate and is another key principle of these procedures.
- Any complaint raised will be treated seriously and courteously. You will be given the opportunity to make your concerns known and school staff must be given time to properly investigate them in order for the matter to be resolved to everyone's satisfaction. It is important that you have confidence in these procedures and know that the matter will be investigated impartially and dealt with as quickly as possible. Resolving concerns involves balancing the rights and responsibilities of pupils, parents and school staff; there should be recognition that responsibility rests with each of these parties.
- To comply with equalities legislation schools should be sensitive to the individual needs and circumstances of the complainant. No-one should be excluded from the complaints system because of any difficulties they may have in representing themselves either in writing or in person.
- The school's prospectus must contain basic information on how to access the complaints procedure. The procedure should be easily accessible and well publicised, e.g. via the school office and website or the Surrey County Council Contact Centre 03456 009 009.
- Schools recognise that some people will need help in pursuing their complaint and consideration should be given to putting complainants in touch with a suitable agency which can help them, e.g. Local Education Officer (LEO) Teams, Partnership with Parents, Race Equality and Minority Achievement Team.
- The investigation of a complaint will not deal with staff disciplinary matters. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, the governing body will consider this as a separate action.
- Confidentiality should be maintained at all times by all concerned. All conversations and correspondence must be treated with discretion. However, you will need to accept that

some sharing of information within the school will be inevitable if the complaint is to be investigated fully and fairly. This will be done with sensitivity and will take into account confidentiality. You should feel confident that a complaint will not disadvantage your child.

- Schools are mindful of the Data Protection Act and are not allowed to disclose personal information relating to third parties, i.e. other pupils, other parents, staff etc.
- Further guidance on dealing with complaints can be provided by the Local Education Officer Team as part of their traded service to schools. Guidance is also provided in the Local Authority's leaflet 'SCC Responding to Concerns about SCC Schools - A Brief Guide' which may be obtained either from the school, the Surrey County Council website, by telephoning the Surrey County Council Contact Centre 03456 009009 or by emailing the Contact Centre via the Surrey County Council Website.
- Anonymous complaints, whilst difficult to manage and resolve, will be recorded and referred to the Headteacher or Chair of Governors in the same way as other complaints. The fact that a complaint is from an anonymous source should not in itself justify a decision not to investigate the matter, nor should it rule out referral to other procedures as appropriate, e.g. child protection.
- Where the concern relates to the conduct of a school governor a recommended protocol is available in section 6 (pages 27-29) of this guidance.

# Model Procedure for Dealing with General Complaints



\* Mediation offered to schools that purchase the service from the LEO Team

# 1. Stage One - Discuss concern with a member of school staff

Complainant to discuss concern with member of school staff

5 school days



Member of staff to respond to complainant and provide complainant with leaflet *Responding to Concerns about Surrey County Council Schools*



**Satisfactory Outcome or proceed to the Second Stage**

# Stage One

## 1.1 Guidelines

- 1.1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or appropriate senior leader, e.g. Deputy Headteacher or Head of Year.
- 1.1.2 If you raise a concern at this stage with a governor, the governor should refer you to the most appropriate member of staff and inform the Headteacher. Governors should not be involved in the early stages of complaints.
- 1.1.3 You must feel able to raise concerns with school staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a complainant and schools should be sensitive to the needs of individuals. At first it may be unclear whether you are asking a question or expressing an opinion rather than making a complaint, therefore, you may wish to have a preliminary discussion about an issue to help decide whether or not you wish to take it further. Concerns should be raised in private, at an appropriate time and not when other parents, pupils or staff can overhear, otherwise it is difficult for the school to observe confidentiality.
- 1.1.4 Schools will act to ensure that school remains a safe place for pupils, staff and members of the community. Abusive, threatening or violent behaviour will not be tolerated and people behaving in this way will be removed from the site and risk prosecution.

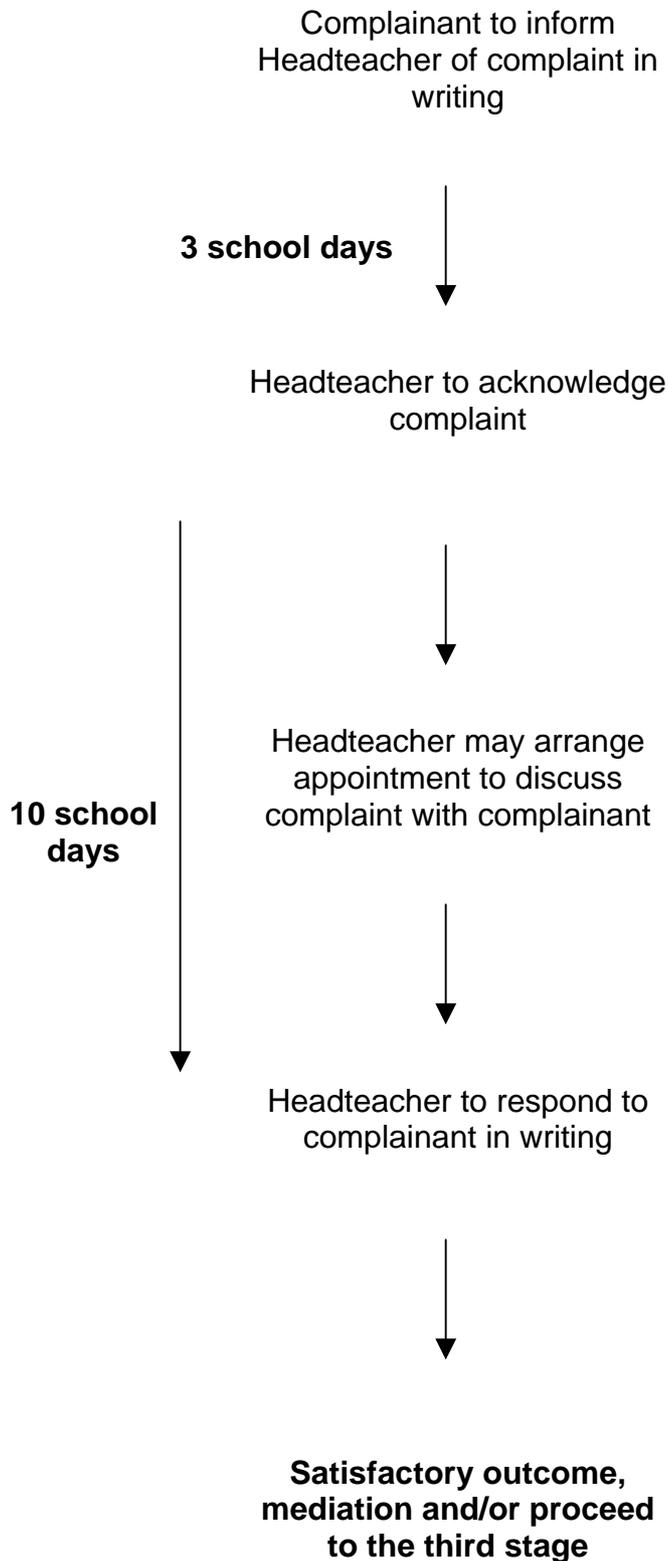
# Stage One

## 1.2 Procedure

- 1.2.1 You should be given an opportunity to discuss your concerns privately with the appropriate member of staff who can clarify the nature of your concern. The staff member should reassure you that the school wants to try and resolve the matter. It may also be helpful at this point to identify the outcome you are seeking.
- 1.2.2 In many cases this will lead to immediate resolution of the issue but in some circumstances the staff member will need to have some time to investigate your concerns and get back to you.
- 1.2.3 The member of staff will ensure that appropriate action is taken to deal with the matter speedily - **usually within five school working days**. Staff will also notify the Headteacher that a concern has been raised.
- 1.2.4 Where the concern relates to the specific actions of a member of staff, you should initially meet with the Headteacher to discuss the problem (see Stage Two). In the rare circumstances where the complaint is against the Headteacher **and is of a serious nature**, then you should contact the Chair of Governors via the school and proceed to Stage Three of the process.
- 1.2.5 In most cases the member of staff who is dealing with the concern will respond to you verbally. This stage of the process seeks to resolve your concern as informally as possible. A written response will only be provided if this seems to be the best way of making the process or the outcome clear.
- 1.2.6 Where a response (verbal or written) has been received but is considered to be unsatisfactory, then you should inform the Headteacher **within ten school working days** that you wish your concern to be considered further (Stage Two).

# Stage Two

## - Consideration by the Headteacher (or other appropriate person)



# Stage Two

## 2.1 Guidelines

- 2.1.1 It should by now have become clear that the concern is a definite complaint. In some cases the Headteacher will already have been involved in trying to resolve the matter informally or it may be his/her first involvement. In either case, it will be important for both you and the Headteacher (or member of staff designated to investigate the complaint) to adhere to these guidelines and general principles to ensure the school deals consistently with all complaints and to make sure that nothing happens at this stage that could make it difficult for the later stages to proceed smoothly. You and the school may consult with the LEO Team for advice.
- 2.1.2 Headteachers have responsibility for the day-to-day running of their schools. They also have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at the various stages. This has the benefit of allowing different points of view to be considered and alternative approaches or solutions to be taken into consideration by the Headteacher.
- 2.1.3 Headteachers will need to make arrangements to ensure that their involvement does not dominate every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher makes contact with complainants at Stage 2. In larger schools the Headteacher may decide to delegate the investigation of a complaint to a senior member of staff.
- 2.1.4 It should be possible even at Stage 2 to reach an agreed solution to the problem. It needs to be considered that the aim is to progress the matter for the benefit of the pupil, their parents/carers, the whole school and the local community. Prolonging a complaint is unhelpful and may inhibit the resolution at a later stage.
- 2.1.5 If your complaint is about the conduct of the Headteacher then you must contact the Chair of Governors who will initiate Stage 3 of the complaints procedure.

# Stage Two

## 2.2 Procedures

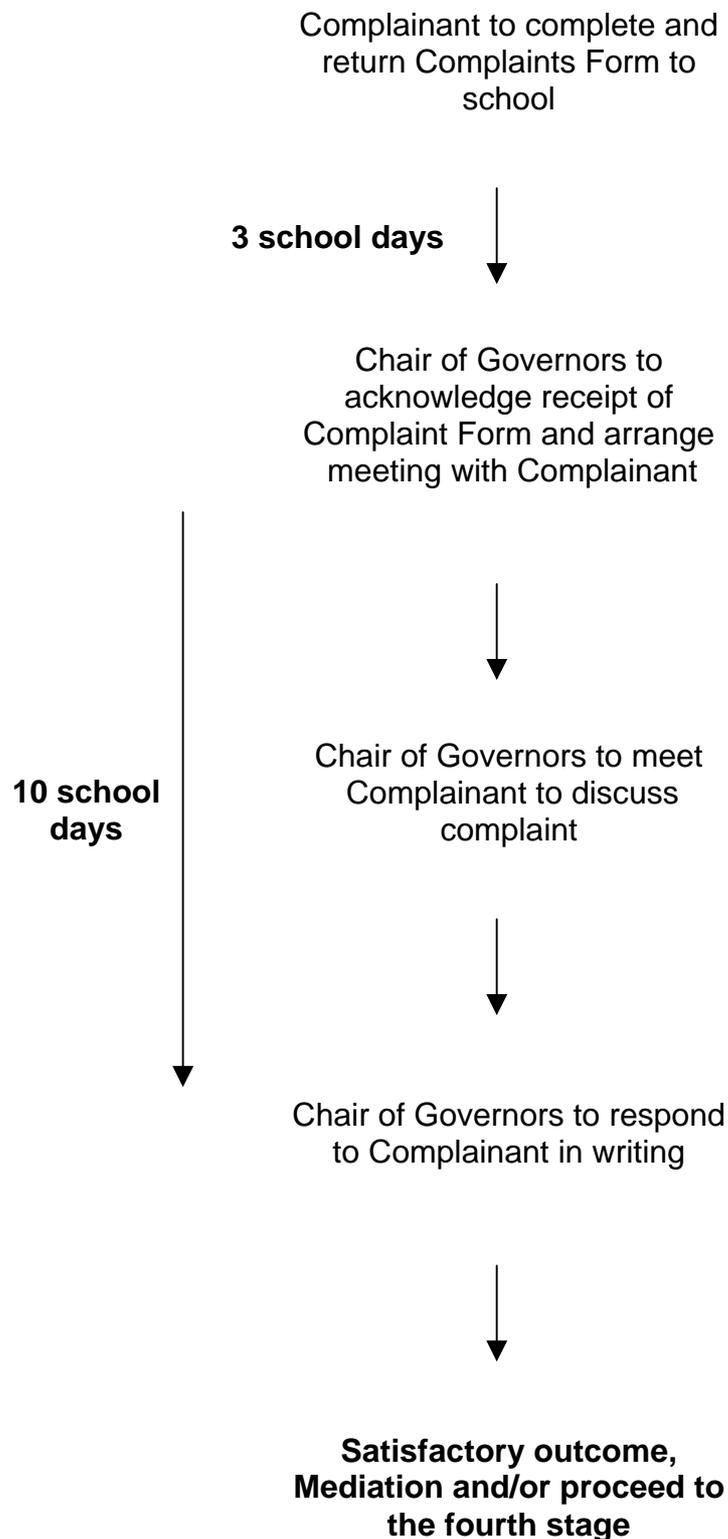
- 2.2.1 Stage 2 complaints should be in writing unless you are unable to express the complaint in writing (in which case advice is available from the LEO Team).
- 2.2.2 Your letter should be acknowledged in writing **within three school working days** of receiving the complaint. The acknowledgement will include a copy of the school's complaints procedure and a target date for providing a response to your complaint. This will normally be **within ten school working days**. Where this is not possible, a letter will be sent explaining the reasons for the delay and giving a revised target date (if you need help understanding the letter contact the school or the LEO team).
- 2.2.3 The Headteacher (or designated member of staff) will normally offer an opportunity for a parent of a pupil at the school to meet with him/her to discuss their concern and supplement any of the information provided previously. This may not always be necessary for other complainants who have stated their concern in writing or by telephone or email. If you want a meeting with the Headteacher you should request this.
- 2.2.4 If you meet with the Headteacher a note taker (not a governor) may be present to record the main points of the discussion; they will let you have a copy of the notes. You may, if you wish, be accompanied to this meeting by a friend, relative, representative or advocate who can speak on your behalf. You must, however, inform the school whom you intend to bring to the meeting. The school should facilitate interpreting facilities, if required, provided that you give notice of your requirements.
- 2.2.5 Where required, the Headteacher will investigate further. The Headteacher's investigation notes are for the purpose of the investigation only and are covered by the Data Protection Act 1998 in so much as they are likely to contain personal information about other pupils or staff. They will therefore not be available to you.

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

- 2.2.6 Once all relevant facts have been established, the Headteacher will then write to you and may wish to meet you to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve your complaint.

- 2.2.7 Where the Headteacher considers that disciplinary action, for either a staff member or a pupil is required, you will be informed that appropriate action has been taken, but the specific sanction will remain confidential and cannot legally be disclosed to you for reasons of confidentiality and the rights of individuals.**
- 2.2.8 Should your complaint not be resolved, mediation between you and the school may be available from the LEO Team before proceeding to the next stage. The LEO or Assistant LEO will remain objective and impartial throughout all the stages of the complaints procedure.

# 3. Stage Three – Consideration by a nominated governor



# Stage Three

## 3.1 Guidelines

- 3.1.1 If a complaint is about the conduct or actions of the Headteacher, or if the Headteacher has been unable to resolve the issues to your satisfaction you should complete the Stage 3 Complaint Form available from the school office and/or school website. Assistance with this is available from either the school or the Local Education Officer Team.
- 3.1.2 It is in the interest of all parties concerned to try and resolve the complaint at this stage. It is helpful if you have a clear idea of the outcome that you hope for. This should be reasonable and proportionate to your complaint and should be stated at the outset of Stage 3. (N.B. Stage Four is a review process and the panel of governors will not be in a position to make a full re-investigation of the complaint.)
- 3.1.3 The Chair of Governors will decide who will investigate your complaint at Stage 3 and may choose to delegate the management of the complaint to a nominated governor. The governor will investigate your concerns in detail and make recommendations to the school. This person will be precluded from reviewing the complaint at Stage 4. One of the reasons for having a nominated governor at this stage in the complaint procedure is to reassure you that an impartial person is carrying out the investigation.
- 3.1.4 If a decision is later taken to move to Stage 4 the process moves from an investigation, resolution and mediation process to a formal review of what the school has done to try and resolve your complaint.
- 3.1.5 The nominated governor will follow the Surrey County Council guidelines and general principles to ensure consistency and fairness. The nominated governor will be objective and impartial and you should trust them to do everything they can to resolve the complaint. It should be noted that governors are volunteers and not normally education experts. They have to fit in their governor duties around their own work and personal commitments. They will, however, have a good knowledge of the school and will be focussed on delivering good 'customer care'.
- 3.1.6 The nominated governor should be in a position to prioritise the investigation at this stage to ensure its timely resolution. Governors have a responsibility for implementation of the school's complaints procedure and are acting on behalf of the full governing body in this regard.
- 3.1.7 The school may notify the LEO Team of any complaint reaching this stage. The LEO Team will ensure that the governor receives appropriate guidance and support. The LEO Team represents the Local Authority (LA) and aims to ensure that all complainants are treated fairly and that everything possible is done to achieve a resolution.

3.1.8 Governors know that this is a confidential process and will not share information with parties other than those directly involved with the complaint - **this includes other governors who may have to be involved at a later stage**. You should not attempt to involve other governors in your complaint as this may compromise their objectivity in taking part in any Stage 4 Review.

Governors are mindful of the Data Protection Act and will not disclose personal information relating to third parties, e.g. other pupils, parents and staff.

# Stage Three

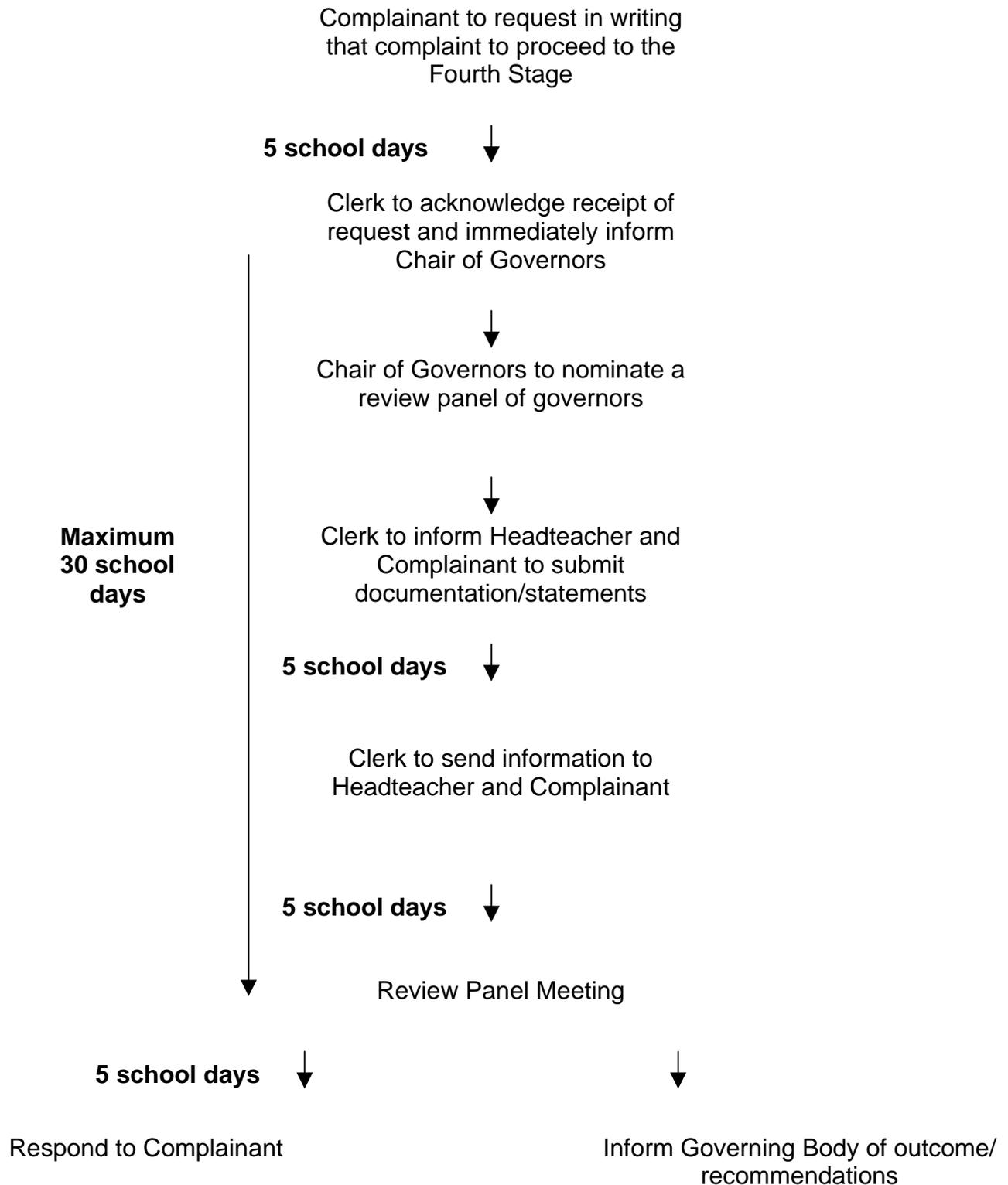
## 3.2 Procedure

- 3.2.1 You must complete the school's Stage 3 Complaint Form (available from the school office and/or school website) in order to clarify the individual aspects of the complaint and/or to highlight any outstanding issues unresolved at Stage 2. The form should be sent to the Chair of Governors who will either investigate your complaint personally or nominate another governor to do so. If you require assistance in completing the form you should inform the school or the LEO Team via the Surrey County Council Contact Centre 03456 009 009.
- 3.2.2 The investigating governor will acknowledge receipt of the form in writing to you **within five school working days** and give you a target date for providing a response (this will normally be **within ten school working days of receipt of the complaints form**). Where this is not possible a letter will be sent to you explaining the reasons for the delay and revising the target date.
- 3.2.3 At this stage the investigating governor should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. A member of the LEO Team may attend this meeting if requested by either party; their role will be to listen and give advice. The LEO Team will not provide advocacy for either you or the school, as they will need to remain objective in order to advise at any later stage in the process.
- 3.2.4 You may, if you wish, be accompanied to the meeting by a friend, relative, representative or advocate. You must inform the school whom you intend to bring to the meeting. The school will facilitate interpreting or advocacy services if they are required. You should request assistance well in advance of the meeting.
- 3.2.5 It is important for the investigating governor to remain as objective as possible whilst conducting the investigation. Any correspondence or written statements from previous stages of the complaint will be made available to the governor. The governor should then discuss the issues with the Headteacher and/or other members of staff. On the basis of the written evidence and discussions the investigating governor may require the Headteacher to obtain further evidence or statements. The Headteacher's investigation notes may be covered by the Data Protection Act 1988 and may not be available to you.
- 3.2.6 Once all the relevant facts have been established the investigating governor will produce a written response to the complainant. The governor may also wish to meet with you to discuss the findings and resolve the matter directly. A written response should include a full explanation of the decision and the reasons for it; where appropriate this will include the action the school will take or has taken to resolve your complaint. **However, if a disciplinary outcome is indicated this information will not be shared with you.** If disciplinary action is required, in order to protect the rights of the individual, the phrase "appropriate action has or will be taken" will be used.

**You will need to trust that the school and the LA have taken the appropriate action.**

- 3.2.7 A mediation and reconciliation service is offered by the LEO Team as part of their purchased services to schools. If you feel that it might be helpful to use this as part of the outcome of a Stage 3 complaint, in order to restore positive relations between you and the school you may wish to suggest this to the school.

# 4. Stage Four – Consideration by a Review Panel of school governors



# Stage Four

## 4.1.Guidelines

- 4.1.1 Complaints rarely reach this stage, however it is important to understand that governing bodies are prepared to deal with them when necessary. At this stage schools will almost certainly have sought advice from the LEO Team and/or the Diocese in the case of church schools. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at Stage 2 or the investigation by the nominated governor at Stage 3. It is not possible to go straight to Stage four in this procedure. Stages 1 to 3 must first have been completed in order to try and achieve a resolution.
- 4.1.2 The purpose of Stage 4 is not to re-investigate the complaint but to review how the school has dealt with it. A panel of three governors will convene to review the matter in detail. The panel will normally invite you, the Headteacher and the Stage 3 investigating governor (the Nominated Governor) to attend the meeting to explain their actions. You will also be invited to attend. If you choose to decline this invitation or fail to attend, the review will go ahead in private (without all invitees) using only the written evidence.
- 4.1.3 If the governors' panel believes that the procedure has not been correctly followed, or that the evidence does not support the conclusion taken at Stage 3, or that the process is flawed in some way then it can uphold the complaint and direct the school to re-investigate the matter. The panel will not simply over turn the decision taken by the Head or the Investigating Governor because you do not agree with the outcome.
- 4.1.4 A panel may fully or partially uphold a complaint or indeed overturn it. It will provide reasons for its decision in writing. Stage 4 is the final stage of the Surrey County Council recommended school complaints procedure.
- 4.1.5 This may be the last chance for a solution or compromise to be reached; every effort should be made to reach agreement through mediation or reconciliation as part of the outcome. The advice and expertise of the LEO Team is particularly helpful at this stage. It should be noted that the LEO Team may be involved in advising both parties of their rights, responsibilities and the protocol to be followed. It is the role of the LEO Team to remain impartial and objective throughout the process and support a resolution to your complaint.
- 4.1.6 It is important that complainants understand that a governor review panel is both independent and impartial; they will aim to demonstrate this at the hearing. It will comprise of governors who have had no prior involvement in the complaint. This is why it is important that complainants do not write or discuss their complaint with other members of the governing body at earlier stages in the process.

- 4.1.7 Governors taking part in Review Panels need to be able to consider the complaint in an objective manner. Legally speaking, prior knowledge of the complaint, or of the general situation leading up to the complaint, does not preclude a governor from taking part in a review. However, some complainants are less confident with the composition and objectivity of the panel if some, or all of its members have prior knowledge of the details. Ultimately the ability to remain objective is a matter for both the individual governor and the governing body to decide. Please note, you have no right to dispute the composition of the panel.

In exceptional circumstances where all available governors have been involved previously and are unable to demonstrate objectivity, it is permissible for the governing body to approach up to two governors from another school to sit on the Review Panel.

- 4.1.8 In the interests of equality and fairness complaint reviews should normally be held at a time and venue, which is mutually convenient for all parties to attend. This may be at the school, in which case sufficient time should be allocated and attention to comfort and confidentiality should be given. In some cases other public buildings may be used to hear complaints.
- 4.1.9 All Stage 4 decisions will be communicated in written format after the hearing. If you require assistance in accessing the decision, the school will make sure you are given assistance and support, providing you let them know you will need this.

# Stage Four

## 4.2. Procedure

4.2.1 You should request in writing to the Chair of Governors that your complaint is reviewed by a panel of governors. Following your request the procedures outlined below will be followed:

- The Clerk to the Review Panel (usually the Clerk to Governors) will write to you to acknowledge receipt of the written request **within five school working days**. The acknowledgement will inform the complainant that a panel of 3 governors will review the complaint **within 30 school working days** of receiving your request, unless there are exceptional circumstances.
- The letter will also explain that both you and the Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send further documentation to the Clerk **at least ten school working days** before the review meeting. All concerned, including you, should receive any relevant documents **at least five school working days** prior to the review meeting. Only in exceptional circumstances will new evidence be accepted after this time and this is at the discretion of the Chair of the Review Panel.
- The date, time and venue should be at convenient time for all parties. Up to three possible dates should be offered to you but if these all fail to be suitable then the review will be conducted in private. This will involve detailed consideration of all the written evidence by the panel but will not require your attendance or that of the Stage 3 Nominated Governor and the Headteacher. The Clerk to the Review Panel will be in attendance to minute the proceedings and a representative of the Local Education Officer team may also be present, if invited by the panel, to provide procedural advice and witness the fairness and rigour of the process.
- You should be notified in writing of your right to be accompanied to the review meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted by the guidance for the conduct of a review meeting.
- The Clerk to the Review Panel will convene the meeting for the Stage 4 review and will distribute all the paperwork. The panel will elect a Chair for the review hearing. This may not be the Headteacher or other member of staff who is a governor of the school; nor may it be the Chair of Governors or nominated governor if they have been involved at a previous stage of your complaint.
- The panel may request that members of staff produce a written report, if appropriate. The panel will not interview children or invite pupils as witnesses to the review meeting.

- It is the responsibility of the Chair of the panel to ensure that the Clerk properly minutes the meeting and that the minutes are distributed to all parties involved at Stage 4. Please note that the minutes are the property of the governing body.

A model procedure for conduct of the meeting is included in this guidance.

- 4.2.2 The aim of the meeting will be to review how the school has managed the complaint and, if possible, to achieve reconciliation between you and the school. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations as to future action in order to satisfy you that your complaint has been taken seriously.
- 4.2.3 At the conclusion of the meeting the Chair should explain that the panel would consider its decision and write to all parties with the outcome of the review **within five school working days**.
- 4.2.5 A report and any recommendations will be made to the school's governing body at the next full meeting.
- 4.2.7 A written statement outlining the decision of the panel will be sent to you and the Headteacher, with a copy to the LEO Team. If any disciplinary action is to be taken against a member of staff or pupil then, to protect his/her rights, only the phrase "appropriate action has or will be taken" will be used.

# Stage Four

## Guidance for the conduct of a Complaint Review at Stage 4

1. The Chair of the Review Panel will invite everybody into the room at the same time. The Chair will then facilitate introductions, clarify roles and the conditions under which the meeting will proceed.
2. The Chair will explain to all present that the purpose of the meeting is to review how the complaint has been managed, resolve any differences and, if possible, achieve reconciliation between the school and the complainant. However, it has been recognised that sometimes it may only be possible to establish the facts and make recommendations that demonstrate the complaint has been taken seriously.
3. The Chair will then outline the proposed procedure for the meeting and should listen to any concerns about the procedure but has the final decision about the arrangements:
  - The Complainant, or their representative, will outline their complaint.
  - The Headteacher will be given the opportunity to seek clarification from the Complainant.
  - The Review Panel may seek clarification from the Complainant.
  - The Headteacher and/or the nominated governor (Stage 3) will be given the opportunity to respond.
  - The Complainant will be given the opportunity to seek clarification from the Headteacher and/or Nominated Governor.
  - The Review Panel may seek clarification from the Headteacher or Nominated Governor.
  - The Headteacher will be given the opportunity to summarise how they tried to resolve the complaint.
  - The Complainant will be given the opportunity to summarise why they feel the school has not properly addressed their complaint.
  - All parties will then leave the meeting. The panel will then deliberate. However, if the LEO team member is present s/he may remain, along with the clerk to the governors, to offer procedural advice.
4. The panel will then arrive at its decision. This will cover:
  - Findings on the complaint
  - Any recommended action to be taken by the school
  - Any recommended changes to the school's systems or procedures.
5. The decision will be notified to all parties, in writing, **within five school days**.

## 5. Further Action

- 5.1 Except in the circumstances outlined in the introduction to this guidance there is no further right of appeal for complainants.
- 5.2 Current legislation states that unresolved complaints may be considered by the Secretary of State for Children, Schools and Families. This provision is on the grounds that a governing body is acting or proposing to act unreasonably, or that the governing body or Local Authority (LA) has failed to discharge its duties under legislation. Complaints of this nature are rarely upheld, if all procedures have been followed correctly. The Secretary of State will not consider a complaint unless all local procedures have been exhausted. The Secretary of State may contact the governing body or the LA for more information upon receipt of a complaint.
- 5.3 The Department For Children, Schools and Families (DCSF) has recently announced changes to the current law and arrangements. The Apprenticeships, Skills, Children and Learning Act 2009 makes provision for a Local Commissioner to investigate complaints by parents of registered pupils and registered pupils themselves, the details and date that this comes into force have not yet been published.
- 5.4 Ofsted may investigate complaints from parents of registered pupils relating to the work of a school as a whole but will not get involved in any matter that relates to individual pupils.
- 5.5 The Local Government Ombudsman will currently only consider complaints regarding the maladministration of LA services. The Ombudsman will not investigate internal school management matters under the present legislation.

# 6. Recommended Protocol for Managing Complaints about School Governors

## 6.1. Guidelines

- 6.1.1 Complaints about individual governors are relatively rare. They generally relate to the conduct of a governor within school, or whilst on school business; they may include breaches of policy or confidentiality.
- 6.1.2 Complaints about the conduct of governors outside of school, in a private capacity, **do not fall within the remit of this policy.**
- 6.1.3 The same good practice principles, already set out in this guidance, apply to the management of complaints about individual governors. A two stage procedure is recommended and this should be managed by the Chair of Governors in person, or, in the event of the complaint being about the Chair, by the Vice Chair.
- 6.1.4 The Chair of Governors must be impartial, objective and rigorous in their investigation of complaints about a fellow governor and demonstrate this to be the case. It is important that detailed notes are kept and timescales are adhered to.
- 6.1.5 The Clerk to Governors is responsible for the administrative support and general advice, as with other school complaints.

# Recommended Protocol for Managing Complaints about School Governors

## 6.2.Procedure

- 6.2.1 You should present your complaint either verbally or in writing to the Chair of Governors. If you require assistance the school will facilitate this.
- 6.2.2 The Chair of Governors will acknowledge receipt of the complaint **in writing within three school working days** and provide you with a target date for providing a response.
- 6.2.3 The Chair of Governors should offer to meet with you to clarify aspects of your concern and to seek further information before embarking on their investigation. Meeting notes may be taken either by the clerk, the Local Education Officer Team representative or the Chair.
- 6.2.4 The Chair of Governors will then begin their investigation of the key issues. Please note that pupils will not be interviewed by governors.
- 6.2.5 The Chair will report their findings and any recommendations to you in writing (and verbally if they feel this is necessary), this will usually be **within ten school working days**. The Chair will give reasons for the decision to uphold, partially uphold the complaint or overturn the complaint. If there is good reason for any delay the Chair will notify you, giving you a revised target date for the completion of their investigation.
- 6.2.6 If you are not satisfied with the Chair's response they should request a review of how the complaint has been managed within **ten school working days** of receipt of the response.
- 6.2.7 The Clerk to the Review Panel will write to you to acknowledge receipt of the written request within **5 school working days**. The acknowledgement will inform you that a panel of three governors will review the complaint within **30 school working days** of receiving the request, unless there are exceptional circumstances.
- 6.2.8 The Clerk should convene a review panel of three governors who have not previously been involved in the complaint. It would be usual for the Vice Chair to be involved at this stage. If there are insufficient governors at the school who are available and impartial then the Local Authority will in exceptional circumstances facilitate up to two governors from another local school to sit on the panel with the chair of the panel being a governor from the host school.
- 6.2.9 A governors' impartiality is a matter for the individual and/or the governing body to decide. Prior knowledge of an issue does not automatically deem a person ineligible to sit on a review panel. DCSF advice is that a governor may still be able to apply objectivity to a situation despite knowing the circumstances and the individuals concerned. Surrey County Council has no remit to hear complaints against governors.
- 6.2.10 A further letter will explain to you the right of all parties to submit documentation relevant to the complaint. Three possible dates should be offered to you, but if these are unsuitable then the

review may be conducted in private by the panel. The clerk to the panel should be present to advise on procedure, record the discussion and record the decision; the clerk will also produce the final letter to the complainant.

6.2.11 If the Chair of Governors (at Stage 1) or the Review Panel (Stage 2) upholds the complaint, and feels that further action against a governor is required, this will be discussed with the full governing body as a confidential item (Part Two business) and appropriate sanctions will be implemented. This matter will be subject to the Data Protection Act and will not be reported in the public domain.

# 7. Unreasonably persistent complainants and unreasonable behaviour

## 7.1 Guidelines

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

- Treat all school staff with courtesy and respect;
- Respect the needs of pupils and staff within the school;
- Avoid the use of violence (including threats of violence) towards people and property;
- Recognise the time constraints under which members of staff work and allow the school a reasonable time to respond to a complaint;
- Recognise that resolving a specific problem can sometimes take some time;
- Follow the school's complaints procedures.

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

7.1.3 **Definitions:**

For the purposes of this policy an “**unreasonably persistent complainant**” is defined by Surrey County Council as follows:

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

*Actions which are obsessive, persistent, harassing, prolific, repetitious; and/or*

*Prolific correspondence or excessive email or telephone contact about a concern or complaint; and/or*

*An insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or*

*An insistence upon pursuing meritorious complaints in an unreasonable manner.*

For the purposes of this policy, “**harassment**” is defined as follows:

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

*Appear to be targeted over a significant period of time on one or more members of school staff; and/or*

*Cause ongoing distress to individual member(s) of school staff; and/or*

*Have a significant adverse effect on the whole/parts of the school community; and/or*

*Are pursued aggressively.*

# Unreasonably persistent complainants and unreasonable behaviour

## 7.2 Procedure

- 7.2.1 Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant 'unreasonably persistent'.
- 7.2.2 The Headteacher will ensure that there is sufficient evidence available to justify the decision.
- 7.2. The Chair of Governors will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
- 7.2.4 Some or all of the following actions may be taken, depending on the particular circumstances of the case:
- Insisting that no member of staff should meet the complainant on his/her own;
  - Restricting responses to telephone calls and emails from the complainant to specified days and times;
  - Requiring that all future contacts with the school are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the school address;
  - Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
  - After consulting the Authority's Legal Services, banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.
- 7.2.5 All correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.
- 7.2.6 New complaints from people who have been deemed unreasonably persistent complainants in the past will be treated on their merits.
- 7.2.7 If a complainant is deemed to be unreasonably persistent this will not reflect on the school's treatment of his/her child.

# 8. Timescale for Making a Complaint About a School

- 8.1 It is in the interests of all parties that concerns are raised as soon as they occur. Schools will consider investigating and reviewing complaints up to a year after the event. Headteachers and governors are better able to undertake a thorough and fair investigation when the evidence trail is still fresh.
- 8.2 If parents wait to make a complaint until after their child has left the school they should be aware that the child's pupil file will have been passed onto the next school, if they are still of statutory school age. The Headteacher will therefore have a very limited amount of information available on which to pursue their investigation.
- 8.3 Complainants are therefore urged to consider how they might best obtain the resolution they desire and if this is indeed possible after considerable time has elapsed.

# A Parents' Guide To Tackling Bullying in Schools

## What Are Surrey schools Doing?

Surrey schools do not tolerate bullying or harassment of any kind. Every school has its own Discipline Policy which will explain its approach to preventing and dealing with bullying. In some schools a separate Anti Bullying Policy will have been drawn up. The school will provide you with a copy of this on request.

School staff will have received training and relevant guidance on tackling bullying. Also Surrey County Council has various teams of officers who can give advice to schools and parents on this aspect of behaviour. These include Education Welfare Officers, the Specialist Teachers and Education Psychology and Behaviour and Attendance Consultancy. The Local Education Officer Team can put you in contact with these teams if necessary. In addition there are a number of useful websites for parents and young people giving sound advice on dealing with bullying (see summary at the end of this section).

## What is Bullying?

Bullying can be defined as when someone is deliberately being hurtful to another on a regular basis and where the power is all on one side (i.e. with the bully). It should not be confused with 'relational conflict' whereby two or more children get into conflict but the dispute is equally provoked and both sides have been hurtful to the other.

Bullying can take a number of forms:

- Physical – hitting, pushing, gesturing, taking or damaging personal belongings or any unwanted physical contact.
- Verbal - name-calling, sarcasm, racist taunts, sexually abusive comments.
- Non-verbal/indirect – ignoring someone, glaring, isolating a person, graffiti, rumour spreading, sending unwanted text messages or emails, publishing hurtful material on social networking sites (cyber-bullying).

## Is Bullying Deliberate?

Some bullying is deliberate but some may not be, especially where very young children are involved. Sometimes children are unaware of the effect their behaviour is having on others. Bullying is behaviour that has not been observed and corrected by an adult and where there is no real empathy for the victim.

# A Parents' Guide To Tackling Bullying in Schools - continued

Bullying often takes place away from the direct supervision of staff or the positive influence of other pupils. Once it is brought to the attention of school staff it will always be addressed. This is why it is so important that your child reports any bullying they may witness or hear about.

## **Anti-Bullying Strategies**

Schools have various ways of ensuring that empathy is both taught and encouraged within the school community. In primary schools Circle Time, Bully Boxes and Playground Peace Makers are some examples of this. Teachers are familiar with teaching materials within the primary school Social and Emotional Aspects of Learning (SEAL) curriculum and often use these as part of lessons and assemblies to reinforce a positive ethos based on being kind to one another.

Secondary schools will use different strategies and approaches but also have access to SEAL teaching materials promoting mutual respect and positive ways of resolving conflict. These provide valuable life skills for young people and parents will want to understand these methods and support the school in this approach. It is therefore important that concerns regarding bullying are first discussed with the Class Teacher and Headteacher before pursuing the formal complaint route.

All the most recent research indicates that bullying is resolved by a two fold approach: implementing sanctions or punishment as well as using restorative approaches. These two methods enable the bully to reflect on their actions, empathise with the victim and make amends for the hurt they have caused. If a neutral relationship can be re-established then there is far less likelihood of the bullying continuing.

## **What To Do If You Think Your Child Is Being Bullied At School**

- Calmly discuss this with your child and note what they say has happened. Who was involved? How often have the incidents occurred? Listen to your child and value their feelings and worries.
- Talk to your child's Class Teacher or Form Tutor/Head of House as soon as possible. Agree an Action Plan and involve your child in this.
- Learn about the school's anti-bullying policy and procedures.
- Keep a record of what is suggested by the teacher and give them time to investigate and implement strategies that will not make the situation worse.

# A Parents' Guide To Tackling Bullying in Schools - continued

- If you are unhappy with the teacher's response or actions, or if the bullying continues, then you must contact the Headteacher and use the school's complaints procedure starting at Stage 2.
- If the bullying is taking place outside of school and/or involves cyber-bullying (use of mobile phones or computers) then you may have to report the matter to the police; ideally you should discuss this with the Headteacher.

## **What Is Not Helpful**

Telling your child to hit back or escalate the situation by aggression

Trying to tackle other children or parents yourself

Keeping quiet about it

Treating the school as part of the problem, when it could be part of the solution

## **Useful Websites and Contacts**

[www.kidscape.org.uk](http://www.kidscape.org.uk)

[www.childline.org.uk](http://www.childline.org.uk)

[www.anti-bullyingalliance.org.uk](http://www.anti-bullyingalliance.org.uk)

[www.ceop.gov.uk](http://www.ceop.gov.uk)

[www.lucyfaithfull.org.uk](http://www.lucyfaithfull.org.uk)