



Beaumont School
December 2009 from County Procedures dated January 2008

How to complain to your child's school

**Information for
parents**

www.hertsdirect.org/cft



HOW TO MAKE A COMPLAINT ABOUT YOUR CHILD'S SCHOOL

INFORMATION FOR PARENTS

What is the purpose of this leaflet?

It sets out to help you with any concerns or complaints you have about your child's school.

Most of the time, any concerns you have about your child's school can best be resolved by talking to the headteacher or a member of the school staff in the first instance – we would encourage all parents and carers to do this before raising a formal complaint.

However, there may be occasions when you want to make a complaint to the school's Governing Body and this information is designed to help you.

This booklet describes the arrangements which Hertfordshire County Council recommends for schools to use when dealing with complaints about school matters. School Governors are responsible **in law** for having a published complaint procedure and for responding to any complaint.

Our guidance to schools aims to be fair to pupils, parents and school staff and recognises that responsibilities rest with each of these three. It takes account of the responsibilities of the Headteacher, the school's governing body and of Hertfordshire County Council, as the Local Authority (LA).

These complaints arrangements are well established and were made following consultation with headteachers, governors, the Diocesan authorities, the teacher associations and representatives of parent groups. For Church of England schools the Diocese of St Albans commends the adoption of this procedure. For Roman Catholic schools, the Diocese of Westminster provides its own guidelines to schools for dealing with complaints.

Under this complaints procedure any member of school staff who is complained about will have the opportunity to respond to the complaint during its investigation, and will be able to see any subsequent response sent to the complainant.

There is an entirely separate procedure for schools to follow in dealing with staff disciplinary matters. Therefore, if in the course of their consideration of a complaint the governing body or Local Authority conclude that disciplinary proceedings should be started, they will take separate action.

A similar document sets out guidance for schools. Schools may also have their own leaflet explaining how concerns and complaints are dealt with.

Where can I get further help?

You should contact the school and ask for a copy of its complaints procedure. The headteacher or other designated member of staff should be able to help with any queries. The contact details at the end of this leaflet may also help you.

What happens FIRST if I complain?

You should be able to resolve many concerns or complaints, or potential complaints, by talking to a member of the school staff concerned. The school will be able to tell you who you should speak to first. This is where you should normally start.

Unless there are exceptional circumstances you should then talk fully to the headteacher who will investigate your complaint.

If you get in touch first with individual governors, they may need to ask you to take up your concerns with the headteacher or the appropriate member of staff who is best able to help you.

If your complaint is about the headteacher you should write to the Chairman of Governors at the school.

If your child has special educational needs and your complaint is about the provision the school is making for those needs, you might find it helpful to talk to the SENCO (Special Educational Needs Co-ordinator) at your child's school. If your child has a Statement of Special Educational Needs, your named Special Needs Officer may be able to help.

Parent Partnership Supporters who work in the Customer Focus Team (CFT) can work with parents and carers of children with special educational needs or direct you to appropriate voluntary organisations.

What happens if I want to make a SECOND (formal) complaint to the governing body?

The school office will make sure you have a copy of the school's complaints procedure and will tell you how you can complain to the governing body. You are likely to be asked to complete a form or write a letter.

You should make it clear

- what you are complaining about
- why you are complaining
- who you have spoken to already
- what you want to happen as a result of your complaint

The Chairman of Governors will arrange for your complaint to be considered and investigated under the arrangements approved by the governors. This is likely to involve a panel of governors appointed to act on behalf of the governing body.

In the case of Special Educational Needs complaints and National Curriculum or Collective Worship complaints, the Chairman of Governors will inform the Head of the Customer Focus Team (CFT).

If the Chairman of Governors or other governor has been involved in earlier discussions to try and help settle the disagreement at stage 1, he or she should arrange for another governor to take charge of the investigation and consider your complaint.

The governor in charge of investigating the complaint may ask to meet you personally so that you are able to clarify what your complaint is about. The governing body will not normally be able to respond to your complaint at this stage. They should, however, give you full details of how they will carry out any further investigation or formal hearing and keep you up-to-date with progress.

You and the school must make sure the governors' complaint panel is provided with any written information or evidence you intend to use in any formal hearing.

You may bring a friend or representative who may speak on your behalf to any meeting. You may also bring an interpreter of your choice, if you need this. The Chairman of the panel may invite to the meeting any person who may help establish the facts of the complaint. He or she should tell you who this person is before the meeting.

If any member of staff is required by the governing body to attend a meeting they will have the opportunity to be accompanied or represented as they wish.

A member of staff named by parents in the complaint may also choose to attend a meeting, even if not required to do so by the governors. They may be represented. If this happens, the school will tell you this before the meeting.

When the panel has fully investigated and considered your complaint, the Chairman of the panel - or the governor responsible for the investigation - will write and let you know their findings. These findings will be reported to the governing body. The Chairman of Governors will then write to you confirming the outcome of your complaint and any agreed actions to be taken. You will also be told if you can complain further.

They should send a copy of the letter to the Headteacher (and to the Head of the Customer Focus Team (CFT) in the case of Special Educational Needs complaints, National Curriculum complaints or Collective Worship complaints.) When this has happened, the second stage is complete.

What can I do if I am not satisfied with the outcome of the second stage of investigation?

We very much hope you will be satisfied following the outcome of the formal complaint to the governing body. However, if you remain dissatisfied, the next section sets out how you might take your complaint further.

Is there a THIRD stage of complaint?

For the vast majority of complaints the procedure ends with the Governing Body. You DO NOT have a third stage of complaint to the Local Authority. (For exceptions to this please see the sections below.)

In the event that, having exhausted the school's complaints procedure, you remain dissatisfied, it is possible for you to approach the Secretary of State, who would consider your complaint if they felt the school had acted unlawfully.

If your complaint is about the way that a school is providing for your child's Statement of Special Educational Needs you DO have a third stage of complaint to the Local Authority.

You should write to the Head of the Customer Focus Team (CFT).

The Head of CFT will acknowledge your complaint within five working days and will then inform the Chairman of Governors and the Headteacher. Your complaint will be investigated within 28 working days.

When your complaint has been fully investigated and considered the Head of CF will write and let you know the decision. He will give the reasons for it, any action or proposed action to be taken and any further avenue open to you. He will send a copy to the Headteacher, the Chairman of Governors and to anyone else concerned in the investigation.

This brings the third stage for special educational needs complaints to a conclusion.

If your complaint is about the National Curriculum or about Collective Worship in a COMMUNITY school you DO have a third stage of complaint to the Local Authority

You should write to the Head of the Customer Focus Team (CFT).
(See also the last section in this booklet "National Curriculum and Collective Worship Complaints")

The Head of CFT will acknowledge your complaint within five working days and inform the Chairman of Governors and the Headteacher. He will make sure your complaint is investigated and will ask the governing body for comments and such other information or advice as necessary.

Following this investigation, a panel made up of the Head of CFT and three members of the Local Authority will consider your complaint.

You may talk to the investigating officer about your complaint and present your case personally to the panel. A friend or representative may come with you to any meeting and may speak on your behalf. You may also bring an interpreter of your choice. A representative, or two representatives, of the governing body may make speak if the governing body wish.

When the panel has fully investigated and considered your complaint, the Head of CFT will write and let you know the decision. He will explain reasons, any action taken or proposed to be taken and any further avenue open to you. He will send a copy to the Clerk and Chairman of Governors and the Headteacher. This brings the third stage to a conclusion.

If your complaint is about denominational religious education or collective worship in a VOLUNTARY-AIDED school you DO NOT have a third stage of complaint to the Local Authority

This is because the Local Authority has no power in voluntary-aided schools to inspect the provision or to influence its content. You may complain beyond the second stage to the relevant Diocesan authority where this applies.

For Roman Catholic schools, you should write to:

The Director of the Education Service
Diocese of Westminster
46 Francis Street
London SW1P 1QN

For Church of England schools you should write to:

The Diocesan Director of Education
Diocese of St Albans Education Centre
Hall Grove
Welwyn Garden City, AL7 4PJ

(See also the last section in this booklet "National Curriculum and Collective Worship Complaints").

Can I complain to anyone other than the County Council?

Yes, you can complain to the Secretary of State at the Department for Children, Schools and Families (DCSF) if you believe that a governing body or Local Authority is acting or proposing to act unreasonably.

The address to write to is: Sanctuary Buildings
Great Smith Street
London SW1P 3BT

However, the Department for Children, Schools and Families would only follow up your complaint with the school or the Local Authority if they believed either might have acted unreasonably or failed to carry out a statutory duty.

What kind of record will be kept about complaints?

The County Council will monitor formally National Curriculum, Collective Worship, and Special Educational Needs complaints referred to it under the statutory third stage of the complaint procedure.

Schools should, as good practice, formally record and monitor all stage 2 complaints to the governing body.

Elected members of the County Council will receive a report each year on third stage National Curriculum, Collective Worship and Special Educational Needs

complaints and will also receive a report on complaints about the curriculum and collective worship which have been considered by schools at the second stage.

Statistics may be published from time to time about the number and nature of complaints about individual schools. Publications will not include reference to any named individual. This is used to identify complaint trends and whether individual schools need particular guidance or support.

NATIONAL CURRICULUM AND COLLECTIVE WORSHIP COMPLAINTS

The purpose of this final section is to provide more information on complaints which are specifically about the National Curriculum and Collective Worship, under the terms of Section 409 of the 1996 Education Act (formerly Section 23 of the Education Reform Act 1988).

They cover complaints made by parents, other members of the public and staff in the schools concerned about the performance of duties or exercise of power by the Local Authority or by the governing bodies of schools maintained by the Local Authority. A complainant may make a complaint on behalf of a group of people with their agreement.

Scope of the arrangements

The schools covered are all schools maintained by the Local Authority which are:

- primary schools (but excluding nursery classes)
- secondary schools
- special schools which are not established in a hospital

They do not cover nursery schools or special schools established in a hospital.

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

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

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

- the provision of a curriculum including religious education and worship which meets the general requirements of Sections 350-352 of the Act
- the implementation of the national curriculum and compliance with orders and regulations made about its requirements and exceptions to its provisions (Sections 356 - 389)

- provision to pupils of compulsory school age of courses leading to an external qualification only if that qualification and the associated syllabus criteria have been approved by the Secretary of State or under arrangements approved by the Secretary of State (Section 400)
- provision of religious education and worship as required by the Act and other enactments (Sections 375 - 389 and 394)
- compliance with regulations about the provision of information (Section 408)
- operation of charging policies in relation to the curriculum (Sections 455 - 456)
- the need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 362)
- in the case of the Local Authority only, the establishment of a standing advisory council on religious education and review of the agreed syllabus for the area if the standing advisory council so require (Sections 390 - 393)
- in the case of a governing body only, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum
- compliance with any other enactments relating to the curriculum

Requirements

Consideration of a complaint will need to establish whether the Local Authority or the school governors are acting reasonably and within the law and meeting their obligations or whether if this is not the case some action is required. In considering that question it may be necessary to consider whether:

- the Local Authority or school governors' policy is consistent with legal requirements
- their actions are consistent with their policy
- the actions of staff are consistent with their policy

The role of the Secretary of State at the Department for Children, Schools and Families

The 1996 Education Act lays down that the Secretary of State may not consider any National Curriculum or Collective Worship complaint unless it has first been considered under the Local Authority's arrangements for handling complaints. The intention of this provision is that complaints should, if possible, be dealt with and resolved between the complainant and the governing body or the Local Authority. It is only if you are still dissatisfied after these arrangements have been exhausted that the Department for Children, Schools and Families could consider your complaint.

Useful information and contacts

- Chair of Governors – the secretary at school will tell you who this is and pass on any written correspondence
- County Councillor for your area – see www.hertsdirect.org or call 01992 556556
- Complaints Team, Children Schools and Families – www.hertsdirect.org/cau 01992 588542 – csf.cft@hertsgov.uk

General CSF enquiries – www.hertsdirect.org/csf - 01438 737500 / 01923 471500 – hertsdirect@hertsgov.uk
- School Governance, Children, Schools and Families – www.thegrid.org.uk/ 01438 843082
- Parent Partnership Service (special educational needs) – www.hertsdirect.org/parentpartnership - 01992 555847 - parent.partnership@hertsgov.uk
- Minority Ethnic Curriculum Support Service (MECSS – if your complaint is about racial harassment or discrimination) – www.thegrid.org.uk/ 01582 830280/830202
- ACE (Advisory Centre for Education) – www.ace-ed.org.uk – 0808 800 5793
- POhWER (advocacy service) – www.pohwer.net 01438 740162 (North Herts) 01923 859186 (South Herts)
- ParentlinePlus – <http://www.parentlineplus.org.uk/> - 0808 800 2222
- Carers in Herts - <http://www.carersinherts.org.uk/> - 01992 586969
- Children’s Legal Centre - <http://www.childrenslegalcentre.com/> - 0845 345 4345
- Your Local Citizen’s Advice Bureau