

CONCILIATION AND APPEALS UNIT

**How to complain
to your
child's school**

**Information for
parents**



Hertfordshire
COUNTY COUNCIL
Children, Schools
& Families

HOW TO MAKE A COMPLAINT ABOUT YOUR CHILD'S SCHOOL

INFORMATION FOR PARENTS

What is the purpose of this booklet?

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 settled by talking to the headteacher or a member of the school staff. However, there may be occasions when you want to make a complaint 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. Schools are responsible in law for having a published complaint procedure.

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 Education Authority (LEA).

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 Education 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?

If you need any further help you can get it first from the school your child attends and then from the Conciliation and Appeals Unit (CAU), Children, Schools and Families, County Hall, Hertford, SG13 8DF. The Helpline number to ring is 01992 588542.

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 your named SEN Officer, if your child has a Statement of Special Educational Needs. Or, a Parent Partnership Supporter who works in the Conciliation and Appeals Unit (CAU), might be able to help you. Or you might seek help from a voluntary organisation. (Telephone 01992 555847 for number of local supporter or voluntary organisation).

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

- 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 Conciliation and Appeals Unit (CAU).

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 any 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 and 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 Conciliation and Appeals Unit (CAU) 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?

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

You should write to the Head of the Conciliation and Appeals Unit (CAU).

The Head of CAU will acknowledge your complaint within five working days and will then inform the Chairman of Governors and the Headteacher. He will make sure your complaint is investigated within 28 working days and will ask the governing body for comments and such other information or advice as necessary.

When your complaint has been fully investigated and considered the Head of CAU 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 have a third stage of complaint to the Local Education Authority

You should write to the Head of the Conciliation and Appeals Unit (CAU). (See also the last section in this booklet “National Curriculum and Collective Worship Complaints”)

The Head of CAU 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 CAU and three members of the Local Education 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 CAU 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 Education Authority

This is because the Local Education 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").

If your complaint is about other general matters which are the responsibility of the governing body (such as bullying) you DO NOT have a third stage of complaint to the Local Education Authority

Despite this the Children, Schools and Families Department would want to help resolve matters where possible.

You and the governing body can agree to refer the complaint to the Head of the Conciliation and Appeals Unit (CAU). This will be if you and the governors think he may be able to help arrive at a resolution of your complaint.

The Head of CAU will also be able to tell you whether he believes the school has acted reasonably in considering your complaint.

Can I complain to anyone other than the County Council?

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

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

However, the DCSF would only follow-up your complaint with the school or the Local Education Authority if they believed either might have acted unreasonably or failed to carry out a statutory duty.

If you are in any doubt about where to direct your complaint, please contact the Local Education Authority's Conciliation and Appeals Unit (CAU) who can advise you about what steps to take. You can contact the service at the Children, Schools and Families, County Hall, Hertford, SG13 8DF (tel: 01992 588542).

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 and 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. Publication will not include reference to any named individual or school. 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 Education Authority or by the governing bodies of schools maintained by the Local Education 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 LEA 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 complaints covered here are defined by the 1996 Education Act. They are complaints that the governors of a school or the Local Education 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 Education 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 Education 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 Education 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 Education 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 for Children, Schools and Families

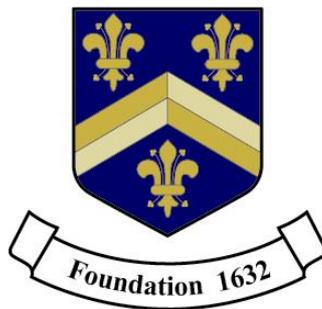
The 1996 Education Act lays down that the Secretary of State may not consider any National Curriculum or Collective Worship complaint unless it has first been considered under the Local Education Authority's arrangements for handling complaints. The intention of this provision is that complaints should, if possible, be dealt with and resolved between the complainant and the governing body or the Local Education Authority.

It is only if you are still dissatisfied after these arrangements have been exhausted that the Department for Education and Skills could consider your complaint.

Information for Parents

How to Comment or Complain

Hitchin Boys' School



HOW TO COMMENT OR COMPLAIN

We care about what you think

Each day this school makes many decisions and tries hard to do the best for all the children. Your comments - either positive or negative - are helpful for future planning. You may want to talk to us about a particular aspect of this school, though not actually make a complaint - you just want to get something 'off your chest'. Whatever it is, let us know your views.

If you are dissatisfied about the way your child is being treated, or any actions or lack of action by us, please feel able to complain.

Our promise to you

- Your complaint will be dealt with honestly, politely and in confidence.
- Your complaint will be looked into thoroughly and fairly.
- If your complaint is urgent we will deal with it more quickly.
- We will keep you up to date with progress at each stage.
- You will get an apology if we have made a mistake.
- You will be told what we are going to do to put things right.
- You will get a full and clear written reply to formal complaints within 28 working days.

How to make a complaint

First

If you have a concern about anything we do, or if you wish to make a complaint, you can do this by telephone, in person or in writing. We hope that most complaints can be settled quickly and informally, either by putting matters right or by giving you an explanation. If there is something you are not happy about, or you don't understand why we are doing something in a particular way, please come in and discuss it with the class teacher or other appropriate member of staff, such as the special needs co-ordinator (SENCO) if it is about special needs.

We know that it can feel uncomfortable to question or challenge, but if you don't tell us what is worrying you we cannot explain what we are doing or try to put it right.

If the first person you talk to cannot help you then speak to the headteacher. Make an appointment with the school secretary to make sure the headteacher is available. You should be able to sort out your worries but sometimes this is not possible. In this case there is a next step.

Second

If you are not satisfied you can complain formally by filling in a form, which is available from the school office. Send the form to the Chair of Governors. The school secretary will tell you who this is. The Chair will then arrange for your complaint to be investigated and considered and will reply within 10 working days to give you a progress report and tell you what will happen next. When your complaint has been fully investigated you will be told of the outcome in writing.

Third

Most complaints are the responsibility of the Governing Body of the school and will be resolved by them. A small number of complaints cannot be resolved by this process.

In the case of complaints about **Special Educational Needs**, the **National Curriculum** or **Collective Worship**, in LEA maintained schools, you can complain further to the Local Education Authority. This should be done by writing to the Head of the Conciliation and Appeals Unit at the address on page 6.

This booklet gives a short overview of arrangements. If you would like to have more details, including relevant forms, ask at the school office.

Useful 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

Contact the Members' Secretariat at County Hall
01992 556556

ACE

Advisory Centre for Education

1b Aberdeen Studios
22 Highbury Grove
London. N5 2EA
Free Advice Line 2-5pm
Monday to Friday
0808 800 5793

Children's Legal Centre

University of Essex
Wivenhoe Park
Colchester
Essex CO4 3SQ
Free Advice Service, 2-5pm
01206 873820

Mark Roberts

Complaints Officer

Head of Unit
Conciliation and Appeals Unit
CSF
County Hall
Hertford, SG13 8DF
Helpline 01992 588542

Parent Partnership (Special Educational Needs)
Helpline 01992 555847

There are four **Area Parent Partnership Supporters** in the county and you can contact your local Supporter direct. The relevant details are:

North (Stevenage/Hitchin/Letchworth/Baldock/
01462 634488