



# Complaints Procedure

Autumn 2020

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## 1. Introduction

Governing Boards of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, summarised in Annex B, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

Local Authorities are already required to set up a procedure for dealing with certain types of complaints, for example, complaints about the curriculum or collective worship in a school. The school's complaints procedure does not replace the arrangements made for those types of complaints. In addition, there are certain complaints that fall outside the remit of the school's complaints procedure, for example, staff grievances or disciplinary procedures, which are separate policies and procedures within the school. It is recommended that the Governing Board ensure that any third party providers offering community facilities or services through the school premises, or using school facilities have their own complaints procedures in place.

## 2. Scope

Any person, including members of the general public, may make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions). For the avoidance of doubt this policy is not limited to complaints solely by parents or carers of children that are registered at the school.

This policy is intended to:

- be simple to understand and use;
- be impartial;
- be non-adversarial;
- enable a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress where necessary;
- provide information to the school's senior management team so that services can be improved

## 3. General Principles of complaints

### 3.1 Dealing with Complaints – Initial concerns

*A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be*

*important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.*

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.

Complaint must be made as soon as possible after an incident arises (although three months is generally considered to be an acceptable time frame in which to lodge a complaint). However, complaints will be considered outside this acceptable three months' time frame in exceptional circumstances.

### **3.2 Dealing with Complaints – Formal procedures**

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

The schools will nominate a senior member of staff to have responsibility for the operation and management of the school complaints procedure. For the purposes of this procedure that member of staff will be termed the school's 'complaints co-ordinator'. On occasions, this person may be the headteacher.

Complaints against the headteacher will usually first be dealt with by the Chair of Governors or another governor if so nominated by the Chair. Complaints against the Chair of Governors or any individual governor shall be made by writing to the Clerk to the Governing Board.

### **3.3 Investigating Complaints**

The person investigating the complaint shall make sure that they:

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

### **3.4 Resolving Complaints**

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

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

Complainants are encouraged to state what actions they feel might resolve the problem at any stage. Please note that an admission that the school could have handled the situation better is not the same as an admission of negligence.

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

### **3.5 Vexatious Complaints**

This procedure seeks to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please note that once procedures have been exhausted the matter(s) under discussion will be deemed closed. If need be the Chair of the Governing Board would inform the complainant in writing to that effect (i.e. that the procedure has been exhausted and that the matter is now closed) and provide them with details of the Department for Education if they wish to pursue the matter further (see paragraph 5.8)

### **3.6 Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits given in this procedure. However, where further investigations are necessary, new time limits will be set by the school, the complainant will be sent details of the new deadline and an explanation will be given for the delay.

## **4. Managing and Recording Complaints**

### **4.1 Recording Complaints**

In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be made and kept and a copy of any written response added to the record. Where there are communication difficulties, the school may use recording devices to ensure the complainant is able to access and review the discussions at a later point.

At the end of a meeting or telephone call, the school and the complainant shall seek to agree what was discussed in order to ensure that both have the same understanding of what was discussed and agreed.

The school will record the progress of the complaint and the final outcome. The headteacher, complaints co-ordinator or, as the case may be, the Chair of Governors or the Clerk to the Governing Board will be responsible for these records and hold them centrally.

The school is aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

An example of a complaint form can be found in Annex C.

## **4.2 Governing Board Review**

Complaints will not be shared with the whole Governing Board, except in very general terms, in case an appeal panel needs to be organised.

If the whole Governing Board is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The school may also approach a different school to ask for help or the local Governor Services team at the LA.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school will consider the request but ultimately, the decision will be made by the governors.

The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, the school may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating the school's performance. The Governing Board may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.

It is the Governing Board that will determine how often the complaints procedure is reviewed. However, it is likely that the complaints procedure will be reviewed regularly, which is likely to be every three years. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes.

Please note that responsibility for reviewing the procedure may be delegated to a committee of the Governing Board, an individual governor or the headteacher.

## **4.3 Publicising the Procedure**

There is a legal requirement for this Complaints Procedures to be publicised. It is up to the Governing Board to decide how to fulfil this requirement but details of the Complaints Procedures would be included in one or more of the following:

- the school prospectus;
- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

## 5. Complaints Procedure

### 5.1 Stage One: Complaint Heard by Staff Member

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

Parents are never to feel and will not be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on their child and the child's opportunities at the school. The school would try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve its service.

The school would respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to the Headteacher who may, if they feel it appropriate, refer the complainant to another member of staff. Alternatively they may not feel this is necessary. Where the complaint concerns the headteacher, the complainant can be referred to the Chair of Governors or, if applicable, the Clerk to the Governing Board.

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

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. In such situations governors would not have acted unilaterally on an individual complaint outside the formal procedure or would not have been involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

The person dealing with the complaint would provide a written acknowledgement to the complainant within 5 working days of receiving the complaint. A copy of the school's Complaints Procedure would be provided at the same time.

The person dealing with the complaint will carry out the necessary investigation to establish the facts. This may include meeting with the complainant. On completion of the investigation, a written response to the complaint would be provided to the complainant within 10 working days of the school's written acknowledgement of the complaint to the complainant. The written response should contain an outline of the complaint, the response to the complaint, the decisions reached and the reasons for those decisions. This may include:-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action that the school may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures would not be released.

- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)

The written response will be endorsed by the Headteacher. It would also inform the complainant that if they remain dissatisfied with the outcome to their complaint, they can progress it to the second stage of this procedure. Where the complainant wishes to take the matter to the second stage, they must send a written request within 10 working days of receiving the Stage 1 written response stating their reasons.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

## **5.2 Stage Two: Complaint Heard by Headteacher**

If the complainant is dissatisfied with the way the complaint was handled at stage one, they may go to stage 2 and have the matter considered by the headteacher. The headteacher may delegate the task of collating any additional information required to what has already been done at Stage One to another staff member but not the decision on the action to be taken.

The same process and timings apply as in Stage 1.

The written response to the complainant would inform them that if they remain dissatisfied with the outcome, they can request for the matter to be considered by the Governing Board's Complaints Appeal Panel. This request must be made in writing to the Chair of the Governing Board within 10 working days of receiving the outcome of Stage Two stating their reasons why they remain dissatisfied.

If no further communication is received from the complainant within the given period of time, it is deemed that the complaint has been resolved and the matter is closed.

## **5.3 Stage Three: Complaint Heard by Governing Board's Complaints Appeal Panel**

Following a request being received from the complainant for their complaint to be considered at Stage 3, the Chair of the Governing Board, or a nominated governor, will convene a Governing Board's Complaints Panel within 4 working weeks of receiving the request. The panel will consist of 3 governors who would ideally not be a parent governor.

No person involved would have had previous involvement in the complaint.

The complainant would be given 10 working days' notice of the meeting. The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting. The notification would inform the complainant that they can bring a friend/relative to accompany them to the meeting, and that if they wish to they can submit further written evidence relevant to the complaint for consideration by the Appeal Panel.

## **5.4 The Remit of the Complaints Appeal Panel**

The panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a

similar nature do not recur.

There are several points regarding any governor sitting on a complaints panel:

- a) The appeal hearing will be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues that are relevant to the complaint, which may entail that of disability, race, sex, age, gender, sexual orientation, pregnancy & maternity and religious affiliation.
- b) The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.
- c) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. For the avoidance of doubt the setting of the meeting will be informal and not adversarial.
- d) Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel will be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The governors sitting on the panel will be aware of the complaints procedure.

## **Roles and Responsibilities**

### **5.5.1 The Role of the Clerk**

Any panel or group of governors considering complaints will use its reasonable endeavours to be clerked. The clerk will be the contact point for the complainant and will be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **5.5.2 The Role of the Chair of the Governing Board or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **5.5.3 The Role of the Chair of the Panel**

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **5.6 Hearing the Complaint at the Meeting**

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that both sides have time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:-

- The Chair will welcome the complainant, introduce the panel members and explain the procedure.
- The Chair of the panel will invite the complainant to explain the complaint.
- The panel members may question the complainant about the complaint and the reasons why it has been made.
- The Chair will invite the Headteacher to ask any questions of the complainant relevant to the complaint
- The Chair will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair the Headteacher may invite members of staff directly involved in the complaint to supplement the Headteacher's response.
- The panel may ask questions of the Headteacher and the members of staff about the response to the complaint
- The Chair will allow the complainant to ask questions of the Headteacher and members of staff about the response to the complaint.
- Either party has the right to call witnesses, subject to the approval of the Chair.
- The Panel, the Headteacher and the complainant may question any such witnesses
- The Chair will invite the Headteacher to make a final statement to sum up their case
- The Chair will invite the complainant to make a final statement to sum up their case
- The Chair will explain to the complainant and the Headteacher that the panel will now consider all of the information available to them and reach a decision, and a written decision will be sent to both parties within 10 working days. The Chair will then ask all parties to leave except the members of the panel.

The panel will then consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint

## 5.7 Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 working days. The letter will inform the complainant that this was the last stage of the Complaints Procedure and the Appeal Panel's decision is final. They will be informed of what they need to do if they wish to pursue the claim further (see paragraph 5.8 and 5.9)

## 5.8 Complaint to the Department for Education

If the complainant remains dissatisfied with the outcome of the appeal hearing, they can take the matter to the Department for Education. Unless there are exceptional circumstances the Department for Education will not deal with a complaint unless they are satisfied that the school has first had the proper opportunity to consider it and respond.

Complaints about schools can be made by writing to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

For further guidance about making a complaint to the Department for Education, please visit : [www.gov.uk/government/organisations/department-for-education/about/complaints-procedure](http://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure)

## 6. Unreasonable Complainants

Harmondsworth Primary is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Harmondsworth Primary defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to unreasonably accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors or Clerk to the Governing Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Harmondsworth Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Harmondsworth Primary School.

## **7. Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The school will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that

the parent may wish to make. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

**Harmondsworth Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.**

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Next Review – September 2021

## **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

**Summary of Section 29 of the Education Act 2002**

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

**Complaint Form**

Please complete and return to .....(complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## Flowchart

### Summary of Dealing with Complaints

