



Inspire tomorrow today...

Complaints Procedure Policy

School Based Complaint Co-ordinator Mr M Murphy the Headteacher.

Governing Board Complaints or complaints about the Headteacher should be reported to Miss S Sherwood the Chair of Governors.

Statement of intent

Claregate Primary School aims to work within our school motto “Inspire tomorrow today...” and to resolve all complaints at the earliest possible stage. We are dedicated to continuing to provide the highest quality of education possible throughout the procedure and put pupil’s welfare first in all circumstances.

We see parents and carers as partners in their children’s education and we see ourselves as part of a wider neighbourhood community.

Little acorns **grow into big oaks** and we want to put things right before they take hold.

Although we strive to resolve issues outside of the complaints procedure through dialogue and mutual understanding, there are times when a complaint has to be made or the school has to consider an issue brought up as a complaint. The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of its educational provision, facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

Who can make a complaint?

Any person including members of the general public. We do not limit complaints to parents / carers at the school. There are some complaints however that have their own separate procedure – see section 8.

Who is not covered by this complaint policy?

Any third party providers offering community facilities or services through the school premises. These bodies include CAT and BAT club, the PTA and any organisation that simply hire the school facilities. These organisations have their own complaints policy and complaints should be directed to them. If you have been through that procedure and you feel that there are reasons why the school should not be let to them do contact the school.

Complaints Relating to Parental Responsibility

These is a common complaint. It can be that an estranged parent wants contact or educational information, or it can be that a parent who has residence with the children tries to stop another person from having access to the child, or information about the child, be it biological parent, previous partner or a person with parental responsibility. In these matters the school has to follow the law and cannot ban a person with parental responsibility from seeing their child or having information about the child. This law is included in Appendix 5 of

this policy. It is important that if a parent is making a complaint about this, that they produce any evidence including birth certificates or court orders so the school can properly assess each case.

What to consider when making a complaint?

Legal framework

1.1. This policy has due regard to the following legislation and guidance, including, but not limited to:

- The Education Act 2002
- The School Information Regulations 2008
- Freedom of Information Act 2000
- General Data Protection Regulations
- Best Practice Advice for School Complaints Procedures 2019

2. Definition

2.1. A concern can be defined as *an expression of worry or doubt for an issue considered to be important which reassurance is sought*. Many issues can be resolved informally at this stage without the need to undertake formal complaints procedures. The school will still take concerns seriously, will record them internally for future reference and seek to address them as soon as a formal complaint.

2.2. A formal complaint can be defined as 'an expression of dissatisfaction however made' which can be regarding actions taken or a perceived lack of action.

2.3. Complaints can be resolved formally or informally dependant on the complainant's choice.

2.4. Any concern or complaint will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

NB: For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

NB: Complaints about exclusions or admission must follow separate statutory procedures.

3. Roles and responsibilities

3.1. The complainant will:

- Co-operate with the school in seeking a solution to the complaint.

- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

3.2. The complaints co-ordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly including the Headteacher, Clerk and Chair of Governors.
- Be aware of issues in regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

3.3. The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and children.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator (if the investigator is not the complaints co-ordinator) to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.

- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

3.4. The panel chair will:

- Minute all meetings.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator (if the investigator is not the complaints co-ordinator) to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.5. All panel members will be aware that:

- The review panel hearing is independent and impartial.

- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated as well as ensuring the child's view is represented equally.

3.6. The panel clerk will:

- Continuously liaise with the complaints co-ordinator.
- Keep up-to-date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

4. Making a complaint

- 4.1. Claregate Primary School will ensure that all aspects of the complaints procedure is:
 - Easily accessible and publicised.
 - Simple to understand and put into practice.
 - Impartial and fair to all parties involved.
 - Respectful of confidentiality duties.
 - Continuously under improvement, using information gathered during the procedure to inform the school's senior management team.
 - Fairly investigated, by an independent person when necessary.
 - Used to address all issues in order to provide appropriate and effective responses where necessary.
- 4.2. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- 4.3. Claregate Primary School upholds a three month time limit in which a complaint can be lodged regarding an incident.
- 4.4. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.5. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 4.6. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form (Appendix B).
 - All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.
 - If a person has a disability we will consider the complaint in the format that is best for them.
- 4.7. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.8. Any complaint made against the Headteacher shall be initially be addresses to and dealt with by the Chair of Governors.

- 4.9. Any complaint made against the Chair of Governors, a member of the Governing Board or the whole Governing Board should be made in writing to the Clerk to the Governing Board c/o the school office in a sealed envelope. The Clerk will advise on appointing a suitably skilled and impartial member of the Governors to deal with complaints about individual Governors and advise on who should hear a complaint against the whole Governing Board e.g. Complain Appeal Panels may involve Governors from other schools.

5. Complaints procedure

5.1. Stage one informal – complaint made to a member of staff

- The member of staff can discuss the complaint with the Headteacher who is the complaints co-ordinator in order to seek support.
- In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- If an appropriate resolution cannot be sought at the informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure. The complainant also has the right to go straight to the formal complaint procedure.

5.2. Stage two – Formal Complaint made to the Headteacher who is the complaint co-ordinator. He may also act as the investigator, but an investigator may be chosen. Ideally at this stage this should be in writing via the pro-forma in the appendix to this policy.

- Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher will contact the complainant to inform them of the revised target date via a written notification.

- An appointment with the Headteacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.
- If the complaint is against the Headteacher, the complainant will initially need to write, in confidence, to the chair of the governing board. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the Headteacher or investigator will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- All discussions shall be recorded in brief note form which will be stored securely and findings and resolutions will be communicated to the complainant either verbally or in writing.
- Once all facts are established, the Headteacher shall contact the complainant in writing with an explanation of the decision.
- Any further action Claregate Primary School plans to take to resolve the issue will be explained to the complainant in writing and added to the complaint record.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.
- DFE in their guidance 2019 state do not recommend legal representation from either party and say. "These committees are not a form of legal proceedings" and their aim should be reconciliation and to put things right. There are some but few examples e.g. union representation for a member of staff where this would be appropriate. If a complainant commences legal action the school may suspend the complaints procedure until the legal proceedings have concluded. Anything else may prejudice the legal proceedings.

5.3. At this and the following stage a Governor from another school with suitable skills and experience may be appointed. This will be done if an impartial Governor cannot be found at Claregate e.g. all Governors have previous knowledge of a case. As the school does not pre-determine a CAP as below a formal relationship between the schools is not necessary.

Stage three – Complaints appeal panel (CAP)

- Following receipt of a stage two outcome, the complaint should be made in writing to the chair of governors within 10 school days.
- Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- The chair of governors, or other nominated governor, will convene a governing body CAP comprising three members of the governing body.
- If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel.
 - Claregate Primary School will consider the request but ultimately the decision is made by the governing body.
- Five days' notice will be given to all parties attending the CAP, including the complainant.
- Prior to the hearing, the Chair of Governors will have written to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The meeting should allow for:
 - The complainant to explain their complaint and the Headteacher to explain the reasons for their decision.
 - The complainant to question the Headteacher, and vice versa, about the complaint.
 - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
 - Members of the CAP to question both the complainant and the Headteacher.
 - Final statements to be made by both parties involved.

- The complainant will receive a written response explaining the final outcome within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

6. Interviewing witnesses

- 6.1. When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers.
- 6.2. Claregate Primary School will ensure that the conduction of interviews does not prejudice a Local Authority or police investigation.
- 6.3. Claregate Primary School understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 6.4. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 6.5. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 6.6. The interviewer will not express opinions in words or attitude so as to not influence the interviewee.
- 6.7. The interviewee will sign a copy of the transcription of the interview.

7. Recording a complaint

- 7.1. A written record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.
- 7.2. It would not be deemed usual, but Claregate Primary School holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date – particularly if there are disabilities hindering access to written script. It will be made clear when recordings are made and written or recorded consent sought.
- 7.3. The school reserves the right to refuse to accept covert recordings obtained without permission. Exceptional circumstances such as potential harm to a child would have to be evident for this to be considered.

- 7.4. Where there are communication difficulties or disabilities, the Claregate Primary School may provide recording devices or take other appropriate steps to ensure the complainant is able to access and review the discussions at a later point.
- 7.5. Details of any complaint made shall not be shared with the entire governing board unless completely necessary, in case an independent panel is needed to hear the complaint.
- 7.6. The progress and the final outcome of a complaint will be recorded and kept up-to-date by the Headteacher.
- 7.7. Claregate Primary School will hold all records of complaints centrally on the server if electronic or in a child's personal file. If the child leaves the school we will keep these on record outside of the child's personal file until two years after the child and all siblings leave the school. We reserve the right to keep complaint records longer than this if the complaint is still ongoing and has not been deemed not resolved.
- 7.8. Complainants have a right to access copies of these records under the Freedom of Information and GDPR.
- 7.9. Decisions must be made with regard to the Human Rights Act 1998 and the Equality Act 2010 and decisions must be rational, reasonable, fair and proportionate. Decision makers will also be mindful of "The 7 Principles of Public Life" including objectivity.

8. Complaints not covered by this procedure

- 8.1. Complaints regarding the following topics should be directed to the LA:
 - Statutory assessments of Special Educational Needs and Disabilities
 - School re-organisation proposals
 - Matters which may require a Child Protection Investigation
 - Admissions to schools
 - Complaints concerning admissions should be directed to the Local Authority.
- 8.2. Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>

For extremely serious issues which need a level of discretion, Claregate Primary School has an internal whistleblowing procedure for all employees and voluntary staff. This is the Local Authority Grey Book as detailed in the Safeguarding Policy. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk

8.3. Staff grievances and disciplinary procedures will be dealt with school's internal grievance procedure the Grey Book. In these cases, complainants will not be informed of the outcome of any investigations.

8.4. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities e.g. PTA. All complaints concerning this should be directed to the service provider.

9. Exceptional circumstances

9.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the LA.

9.2. If a social services authority decides to investigate a situation, the Headteacher or governing body may postpone the complaints procedure.

9.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

10. Serial and persistent complainants

10.1. The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

10.2. If a complainant attempts to re-open an issue (with no new evidence) which has previously fully completed the complaints procedure, the chair of the governing body will inform the complainant that the matter is now closed.

- If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

- The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- 10.3. Claregate Primary School will not take the decision to stop responding to an individual lightly. The school will ensure that:
- They have previously taken every reasonable step to address the problem.
 - They have provided the complainant with a statement of their position.
 - The complainant is contacting the school repeatedly with the same complaint.
- 10.4. If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.
- 10.5. Once Claregate Primary School decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- 10.6. If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the Local Authority.
- 10.7. The complainant has the right to a third party representative, such as the Citizens' Advice Bureau or legal representative throughout the complaints procedure. The school also has the same right.
- 10.8. Any new complaint made by a 'serial' complainant will be responded to.
- 10.9. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.
- 10.10. Claregate Primary School will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.
- 10.11. If a complaint is a duplicate complaint from a spouse, partner, grandparent or a child the complainant will be informed that the school has already considered it and the process is complete. If the party is dissatisfied with the school's handling of the original complaint they should contact the DFE. If however, genuinely new information is presented, the complaint should be heard again.

- 10.12. For “Complaint Campaigns” where there are many complaints all based on the same subject or from complaints unconnected with the school we will send out a single template response to all complainants for example on the school website or on “Marvellousme” app if there are parent / carers.

11. Barring from the premises

- 11.1. School premises are private property and therefore any individual can be barred from entering the premises if it is proportionate to do so. This will be reviewed at intervals and decisions to revoke or maintain the ban will be made.
- 11.2. If a parents/carers behaviour is cause for concern, a school can ask the individual to leave the premises.
- 11.3. The Headteacher or the LA will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.
- 11.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 11.5. This decision to bar will be reviewed, taking into account any discussions following the incident.
- If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.
- 11.6. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or chair of governors.
- Once the school’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

12. Reviewing the procedure

- 12.1. The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.
- 12.2. Responsibility for reviewing the procedure belongs to a committee of the governing body, an individual governor or the Headteacher.
- 12.3. All projected review dates will be adhered to.

- 12.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 12.5. The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

13. Role of the school complaints unit (SCU)

- 13.1. If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. contact form
- 13.2. The Secretary of State will only intervene when they believe that the governing body has acted unlawfully or unreasonably.
- 13.3. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.
- 13.4. When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully. However, they will not be able to advise on how to resolve the complaint.

Signed by:



Headteacher

Date:

Chair of Governors

Date:

Appendix 1: Policy for unreasonable complainants

Claregate Primary School 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.

Claregate Primary School 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 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 DfE.
- 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 a 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 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 Claregate 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 Claregate Primary School premises and the decision reviewed periodically.

Appendix 2: Complaints Procedure Form

If you have tried unsuccessfully to resolve your concern and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher, you will need to send the form to the Chair of the Governing Board).

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
What is your complaint concerning, and what further action would you like the Headteacher to take?	
Signed: Print name:	Date:

Appendix 3: Example letter to complainant for a stage two complaint

An example of a letter that the chair of the governing body may send to the complainant, upon receipt of a complaint at stage two.

Dear (insert addressee's name),

Thank you for your letter dated (insert date) setting out the reasons why you are not satisfied with the Headteacher's response to your complaint about (insert details of complaint).

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the [clerk/chair] of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Chair of the Governing Board

Appendix 4: Example letter for complaints against the Headteacher

Dear (insert addressee's name),

I have received your complaint against the Headteacher of (insert school/academy name).

I write to let you know that I have forwarded a copy of your complaint to the Headteacher, with a request that [he/she] responds to the issues raised in the complaint within 10 school days.

A copy of the Headteacher's response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the [clerk/chair] of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the Governing Body

Appendix 5

Under s 3 (1) of the Children Act 1989 parental responsibility is defined as : "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property".

- **Mothers automatically obtain parental responsibility on the birth of the child (s 2 of the Children Act 1989).**
- **Fathers who are married to the mother of the child at the time of the birth also obtain parental responsibility automatically (s 2 of the Children Act 1989).**
- **Fathers who subsequently marry the child's mother will automatically get parental responsibility from the date of the marriage since the marriage 'legitimises the child' (s 1 of the Family Law Reform Act 1987).**

Unmarried fathers must acquire parental responsibility by either:

- **obtaining a parental responsibility from the court (s4(1)(a) of the Children Act 1989)**
- or**
- **entering into a parental responsibility agreement with the mother (s4(1)(a) of the Children Act 1989) or**
 - **after 1 December 2003 fathers who are named on the birth certificate will automatically get parental responsibility(s 111 of the Adoption and Children Act 2002 created s 4 (1)(a) of the Children Act 1989).**

Parental responsibility can be shared with others – for example with the local authority – but it remains a continuing duty of parents.

A specific issue order would allow the parent to agree, say, to a pupil changing school against the wishes of the other parent. A prohibited steps order would allow one parent to prevent a child from attending a form or religious worship against the wishes of the other parent.

Sometimes others like the local authority may also have parental responsibility for the child i.e. through a care order. However, before a care order or supervision order can be made, the courts must be satisfied that making a care order is for the child's welfare – which has to be the paramount consideration. Once the child is the care of the local authority, they have a duty to consult the parents about which school the child should attend, as they continue to share parental responsibility, but it will be the local authority who will make the decision which is considered to be in the child's best interests.

- **A residence order says where and with whom should live, and gives the holder parental responsibility for the child (if he or she does not already have it);**

- **A contact order instructs the person with whom the child is living to allow another person to visit the child, have the child to visit or stay with him or her, or have contact by letter or telephone.**

Details of court orders must be noted in a pupil's record. School staff will then know who can give parental permission for a school visit, or be contacted if the child is ill, as well as what to do in more difficult situations. For example, if a parent, rather than a foster-parent, comes to collect a child in local education care from school.

A parent's action or proposed action may conflict with the school's ability to act in the best interests of the child. If so, school staff should first try to resolve the problem with that parent but avoid becoming involved in any conflict.

Sometimes parents (whether divorced or not) may not be permitted to act independently despite having parental responsibility. For example, one parent or the local authority when the child is in their care, cannot change a child's name without the consent of the other parent.