

Cadishead Primary School

## Complaints Procedure

# **School Complaints Procedure**

## **Introduction**

From September 2003, governing bodies of all maintained schools and nursery schools in England are required under section 29 of the Education Act (2002), to have in place a clear and well communicated procedure to deal with complaints. This policy reflects the non-statutory guidance from the DFE, published in January 2016.

The complaints procedure deals with complaints relating to the school. The DFE has identified areas which lie outside the scope of school procedures (see Appendix 1).

## **General Principles**

As part of the general home/school policy, parents and pupils should be encouraged to express their views on what goes on within school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.

Certain general underlying principles should be observed whenever concerns or complaints are made.

### **1. Publicity**

Parents should always know how they can raise concerns or lodge a formal complaint. A summary of how the school deals with complaints should be included in the information given to new parents when their children join the school, and parents and children should be reminded of the system at regular intervals.

At Cadishead Primary we publish the policy on the website, and have a copy on display in the school office area. Leaflets are given to parents as they start school and reminders are put in the school newsletter at regular intervals. We also employ the services of translators through EMTAS if needed to make the procedure available in languages other than English.

If parents contact the LA with their concerns when the school's internal procedures have not been fully exhausted, they should be referred back to the school.

### **2. Timelines**

Procedures should be as speedy as possible with clear time limits. Where it is not possible to meet these, information about progress must be given to the complainant.

### **3. Support for the complainant**

Parents can get information, advice and advocacy from places such as the Citizen's Advice Bureau. Our nearest location is Irlam & Cadishead Citizen's

Advice Bureau, Cadishead Library, 126 Liverpool Road, Cadishead, M44 5AN, or you can call 03444 111 444, weblink [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).

**4. Support for the person complained against**

Staff who may be questioned as part of a complaints procedure must feel they are being treated in a fair way. They are told about the procedure, and kept informed of progress, though there is a critical balance to be maintained between supporting the individual so that his/her rights and reputation are protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff, and this is made clear to all concerned. There may be occasions where a complaint launches a disciplinary procedure, which puts the complaints procedure on hold. If so, the complainant will be informed and updated every 3 weeks on the likely further delay.

**5. Confidentiality**

All conversations and correspondence will be treated with discretion, so all parents will feel confident that their complaint will not penalise their child. However, some information may have to be shared with others involved in the operation of the complaints procedure.

It is usual practice to disregard anonymous complaints. However, the Headteacher or Governing Body may decide to investigate them if the complaint relates to something serious.

**6. Redress**

If the outcome of the complaint procedure shows that the school is at fault, school will provide redress in the form of an acknowledgement that the complaint is valid. It may also be appropriate to offer one or more of: an apology; an explanation; or an undertaking to review school policies or practices in light of the complaint. Advice will be taken from the local authority as necessary before redress is given.

**7. Staff awareness and training**

All staff have access to the complaints procedure, and those staff involved with complaints have specific training on it. All staff have clear information about which staff have responsibilities at school via the staff handbook and the Framework for learning.

**8. Record keeping**

Complaints are recorded in school. This is started at the point when a concern or initial complaint has become the kind of complaint that cannot be resolved on the spot but needs investigation and/or consultation with others in the school and will require a later report back (either orally or in writing) to the parent. Recording at the earliest stages gives the date, the name of the complainant and the nature of the complaint. All investigations and conversations are logged, including feedback to the complainant. The individual member of staff dealing with the complaint has the responsibility for making the records, and these are collated as necessary by the Headteacher.

The Headteacher has responsibility for the operation and management of the school's complaints procedure.

## **How to raise a concern or complaint**

### **Stage 1: Informal Stage**

- 1.1. It is normally appropriate to communicate directly with the member of staff concerned or your child's class teacher. This may be by letter, by telephone, or by appointment requested via the school office. Many concerns can be resolved by simple clarification or the provision of information, and it is anticipated that most complaints will be resolved by this informal stage.
- 1.2. In the case of serious concerns, it may be appropriate to address them directly to the Deputy Headteacher (or the Chair of Governors if the complaint is about the Headteacher).
- 1.3. If you are uncertain about who to contact, please seek advice from the school office, or use the information in Appendix 2 to help you.
- 1.4. At this stage, you may be referred to the member of staff with responsibility for the issue raised, and school will check with you to make sure the referral has been successful. The staff member dealing with the concern will make sure that you are clear what action (if any) or monitoring of the situation has been agreed. This will only be put in writing if it is felt it is the best way of making things clear.
- 1.5. If no satisfactory solution has been found within 10 school days, you may wish to raise the complaint with the Headteacher under the Formal Stage of the complaints procedure.

## **Stage 2: Formal Stage**

- 2.1 If your complaint is not resolved at the informal stage, you may choose to put the complaint in writing and pass it to the Headteacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the Headteacher, your complaint should be passed to the school office, for the attention of the Chair of Governors. A complaint form (Appendix 3) is provided to assist you if you wish to use it.
- 2.2 The Headteacher (or designate) will acknowledge the complaint orally or in writing within 3 working days of receiving the written complaint. Model letters can be found in Appendix 5.
- 2.3 The Headteacher (or designate) will provide an opportunity for you to meet him in order to clarify the concerns raised and explore the possibility of an informal resolution. You may be accompanied by a friend to assist in explaining the nature of your concerns.
- 2.4 It is possible that your complaint will be resolved through this meeting. If not, the Headteacher (or designate) will arrange for the matter to be fully investigated, including interviewing witnesses and taking statements from those involved. You will learn in writing, how the school intends to proceed with your complaint within 5 working days of the school receiving your formal complaint. This should include an indication of the anticipated timescale.
- 2.5 The investigation will begin as soon as possible, and the Headteacher (or designate) will keep written records of meetings, telephone conversations and other documentation.
- 2.6 As soon as all the relevant facts have been established, the Headteacher (or designate) will produce a written response to the complaint (where possible within 10 school days). The written response will include a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the school will take to resolve the complaint. You will be advised what steps you should take if you are unhappy with the finding and response.
- 2.7 If a complaint is against the action of the Headteacher, or if the Headteacher has been closely involved at Stage 1, the Chair of Governors should carry out all of the Stage 2 procedures.
- 2.8 If you are not satisfied with the response and wish your complaint to be reviewed by the Governing Body, you must write to the Chair of Governors within 20 school days. You must set out the complaint you still wish to pursue. A proforma to assist you with this can be found in Appendix 4. Unless there are exceptional circumstances, if after 20 school days from the date of the Headteacher's (or designate's) response no indication has been

received that you wish to proceed to Stage 3, the complaint will be seen as resolved and no further action will be taken by the school.

### **Stage 3: Review by the Governing Body**

- 3.1 Complaints rarely reach this formal level. School will seek advice from the Local Authority and governor services.
- 3.2 The review will be independent and impartial, and as such individual complaints will not be considered by the full governing body.
- 3.3 Upon receipt of a written request, the Chair of the Governing Body will write to you to acknowledge receipt of it. The acknowledgement will inform you that the complaint will be heard by 3 members of the school's governing body within 20 school days of receiving the complaint. The letter will explain that you have the right to submit any further documents relevant to the complaint.

At this point, governor services may be employed to lead the complaints hearing, fulfilling the administrative roles of the Chair/Vice Chair.

- 3.4 The Clerk to the Governors will arrange to convene a Governors' Complaints Panel elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Panel to ensure that three governors are available to carry out their task within the set time.
- 3.5 The Panel members should be governors who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Governing Body should chair the Panel; otherwise the Vice Chair should do it.
- 3.6 The Chair/Vice Chair of the Governing Body will ensure that the Panel hears the complaint within 20 school days of receiving the letter. All relevant correspondence regarding the complaints should be given to each Panel member as soon as the composition of the Panel is confirmed.
- 3.7 The Chair/Vice Chair of the Governing Body will write and inform you, the Headteacher, any relevant witnesses, and members of the Panel at least 5 school days in advance, of the date, time and place of the meeting. The letter will explain how the meeting will be conducted and your right to submit further written evidence to the Panel. The Headteacher may be represented by another school representative.
- 3.8 The Chair/Vice Chair of the Governing Body should invite the Headteacher to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Headteacher may also invite members of staff directly involved in matters raised by you to respond in writing or in person to the complaint. Any relevant documents including the Headteacher's report should be received by all concerned at least 5 working days prior to the meeting.

- 3.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- 3.10 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and yourself. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations.
- 3.11 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.12 The meeting should allow for:
- You to explain your complaint and the Headteacher to explain the school's response.
  - The Headteacher to question you about the complaint and you to question the Headteacher and/or other members of staff about the school's response.
  - Panel members to have an opportunity to question both you and the Headteacher.
  - Any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses.
  - Final statements by both you and the Headteacher.
- 3.13 The Chair of the Panel will explain to you and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 school days. You, the Headteacher, other members of staff and witnesses will then leave.
- 3.14 The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.
- 3.15 A written statement outlining the decision of the Panel must be sent to you and the Headteacher. The letter to you should explain whether a further appeal can be made, and if so, to whom.
- 3.16 The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.
- 3.17 If you feel that the school has acted unreasonably or not followed the correct procedure, you can move to Stage 4 of the procedures and contact the Secretary of State.

#### **Stage 4: Appeal Stage**

- 4.1 **The Secretary of State:** Complaints can be taken to the Secretary of State for Education and Employment under Section 496 of the Education Act 1996, on the grounds that a Governing Body or the LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Secretary of State may contact the Governing Body or the LA for more information in order to consider the complaint. (See vexatious complaints for contact details.)

## **Vexatious Complaints**

There may be some complainants who are reluctant to accept the outcome of the process. In such cases the person will be encouraged to refer the matter to the Secretary of State.

The Secretary of State's powers are delegated to the School Complaints Unit (SCU). The SCU will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances. If it decides that a school has not followed its published procedures it has the power to direct that the process is re-visited.

Telephone	0370 000 2288
Online	<a href="http://www.education.gov.uk/help/contactus">www.education.gov.uk/help/contactus</a>
Letter	DfE, School Complaints Unit, 2 <sup>nd</sup> Floor, Piccadilly Gate, Store Street, Manchester M1 2WD.

Should the complainant continue to make contact on the same issue the Chair of Governors has the power to inform them that the process is complete and the matter is therefore closed.

In the context of Freedom of Information requests 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' It is not however, a term that the DfE employs, preferring the terms 'serial' or 'persistent' complaints.

### **What criteria may be applied to decide whether it is 'manifestly unjustified, inappropriate or improper'?**

- All reasonable steps have been taken to address matters.
- A clear statement has been provided which details the school's position.
- The school is being repeatedly contacted with the same points being raised.
- The school has reasonable grounds for believing that the intention is to cause inconvenience.
- Communications are aggressive in tone or content. Abusive, derogatory and/or threatening comments are made.

### **Requests for information**

Complaints are sometimes accompanied by requests for information pertaining to the circumstances underpinning the complaint. The term 'vexatious' is more properly deployed in this context. Schools are advised to consult the guidance issued by the Information Commissioners Office in the first instance and then to seek advice the school's provider of legal services (<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>)

## **Appendix 1**

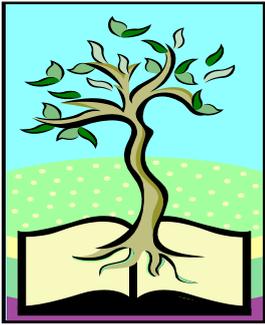
The DfE's advice identifies areas lying outside the scope of school procedures.

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>• Admissions to school</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection investigation</li> </ul>	Local authority
<ul style="list-style-type: none"> <li>• Exclusion from school</li> </ul>	Parents and carers may use procedures to challenge permanent exclusions and fixed term exclusions of more than 5 days in a given term. Concerns about the process followed can be raised via the complaints procedure.
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<ul style="list-style-type: none"> <li>• School has an internal procedure for employees and volunteers.</li> <li>• Ofsted may be contacted by email (<a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>) telephone 0300 123 3155 or in writing, WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.</li> </ul>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	School has staff grievances, discipline and conduct procedures in place. Complainants are not informed of the outcomes of actions under this procedure.
<ul style="list-style-type: none"> <li>• Complaints about services provided by external bodies using a school's premises or facilities.</li> </ul>	Providers should be contacted directly and have their own procedures for such eventualities.

## **Appendix 2**

<b>Nature of contact</b>	<b>Appropriate person to receive contact</b>	<b>Relevant policy/procedure</b>
Request for published information	School office	FOI Policy
Request for personal pupil information	Headteacher	FOI Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General Complaint Procedure
Concern about provision of facilities or services by the school	1. Deputy Headteacher/ Headteacher 2. Chair	General Complaint Procedure
Allegation about conduct of a member of staff	Headteacher or Chair (if allegation against Headteacher)	School Staff Discipline Procedure (confidential to school and employee)
Allegation of verbal or physical assault by employee on pupil	Deputy Headteacher/ Headteacher or child protection co-ordinator or Chair (if allegation against Headteacher)	Local Child Protection Procedures (confidential to school, LADO and parents of alleged victim)
Allegation about capability of a member of staff	Deputy Headteacher/ Headteacher or Chair (if allegation against Headteacher)	School Staff Capability Procedure (confidential to school and employee)
Conduct of another pupil (e.g. bullying)	Deputy Headteacher/ Headteacher or Chair (if allegation against Headteacher)	School behaviour and discipline procedures (confidential to school and parents of alleged perpetrator)
Discipline of pupil	Deputy Headteacher/ Headteacher or Chair (if allegation against Headteacher)	School behaviour and discipline procedures (confidential to school and parents of alleged pupil)
Content of/failure to maintain a statement of SEN	1. SENCO 2. Headteacher 3. Local Authority	Local Authority procedures
Admissions	Local Authority	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair of Governor's	Exclusion Appeal Procedure
Failure to provide NC entitlement or appropriate curriculum	Headteacher Chair of Governing Body Local Authority	Local Authority Procedure
Extended Services	Manager of relevant services	Procedures of Service Provider
Decision to remove licence for a person to enter school premises (banning)	Local Authority	Local Authority Procedure

**Appendix 3**



**Cadishead Primary School**  
*Allotment Rd. Cadishead. M44 5JD*

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Headteacher: Mr. N. Hargreaves



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**School Formal Complaint Form**

Please complete this form and return it to the school office or to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:.....

Relationship with school (e.g. parent of a pupil on the school roll):.....

Pupil's name (if relevant to your complaint):.....

Your address:

Telephone numbers  
Daytime:

Evening:

Mobile:

Email address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on a separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

**Appendix 3 continued**

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

**School use:**

Date form received:

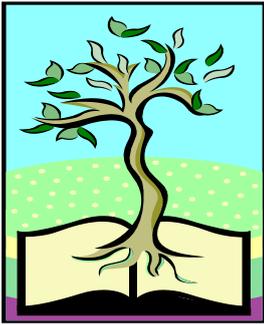
Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

**Appendix 4**



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**School Complaint Review Request Form**

Please complete this form and return it to the Headteacher (or clerk to the governing body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:.....

Your address:

Telephone numbers

Daytime:

Evening:

Mobile:

Email address:

Dear Sir/Madam

I submitted a formal complaint to the school on.....and am dissatisfied by the procedure that has been followed.

My complaint was submitted to.....and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

**Appendix 4 continued**

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

Signature:

Date:

**School use:**

Date form received:

Received by:

Date acknowledgement sent:

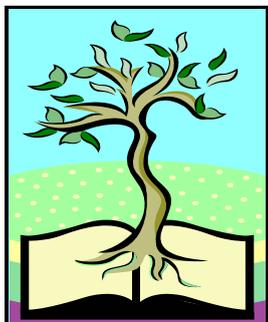
Acknowledgement sent by:

Request referred to:			
Date:			

## Appendix 5

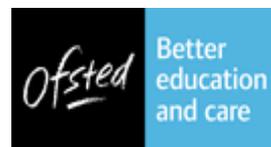
### Model Letters

#### Response to spurious complainant



## **Cadishead Primary School**

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Dear [Name of complainant]

Thank you for submitting your concern in the letter received on the [insert date]. After careful consideration, unfortunately, I am unable to deal with this matter under the Governing Body's Complaint Procedure. This is because:

*[we suggest that you include one of the following statements]*

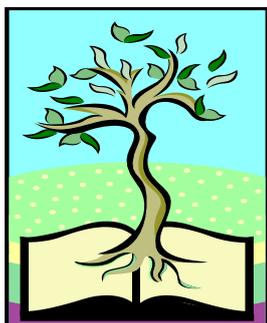
- The substance of your complaint has been addressed under the complaints procedure already.
- The concerns that you raise do not fall within the scope of this procedure *[suggest alternative for example: admissions policy, exclusion policy, behaviour policy, grievance procedure etc]*

If you wish my decision to be reviewed then you can follow the school's Formal Complaints Procedure, by writing to the Clerk of the Governing Body.

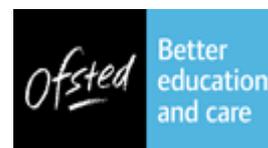
Yours sincerely,

Headteacher  
Or Chair of Governing Body

**Appendix 5 continued**  
**Acknowledgement of receipt of formal complaint and invitation to meet**



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Dear [Name of Complainant]

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore, I would like to meet with you, as soon as possible, so that I may understand the details of your concerns more clearly. You are welcome to be accompanied to the meeting by a friend, if you find this helpful.

*Please telephone ..... in order to arrange an appointment. **OR** I can offer you an appointment at ..... on ..... Please let me know if this is convenient.*

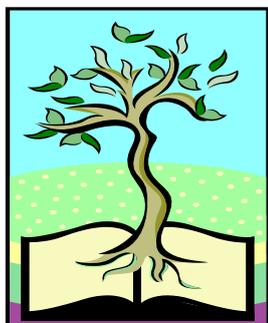
I hope that we will be able to resolve your concerns through our meeting, but if not, I will ensure that the appropriate investigation takes place.

Yours sincerely

Headteacher  
Or Chair of Governing Body

**Appendix 5 continued**

**Acknowledgement of receipt of formal complaint referred by a third party**  
**[e.g. LA, Diocese, MP]**



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Dear [Name of Complainant]

I have received a copy of the documentation that you sent in to ..... setting out a complaint about ..... This has been passed to the school as it has responsibility for these matters.

The school and governing body take any complaint seriously. Therefore I would like to meet with you, so that I may understand the details of your concerns more clearly. Please telephone ....., in order to arrange an appointment. **OR** I can offer you an appointment at ..... on ..... Please let me know if this is convenient.

Meanwhile I would be grateful if you would complete and return the Formal Complaint Form that is enclosed, along with details of the school's complaints procedure.

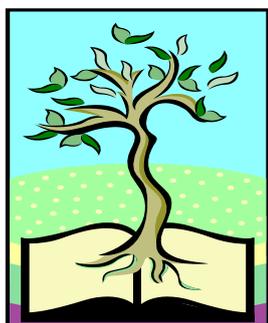
I hope that we will be able to resolve your concerns throughout meeting, but if not I will ensure that the appropriate investigation takes place.

Yours sincerely

Headteacher  
Or Chair of Governing Body

## Appendix 5 continued

### Acknowledgement of receipt of formal complaint and advising complainant that the matter is being dealt with under a confidential school procedure



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Dear .....

I have received your formal complaint, dated ..... I am grateful that you have brought this to my attention.

The school and governing body take any complaint seriously. Therefore I have initiated an immediate investigation. It is possible that the investigator will wish to meet with you to clarify the evidence that you have provided so far. If so, he/she will write to you to make suitable arrangements.

As your concerns relate to the conduct/capability of a member of staff, the investigation will be carried out under the school's personnel procedures. This means that the detail of the procedure and its outcome **must** remain confidential to the school and the member of staff concerned.

#### **OR**

As your concerns relate to the behaviour of a pupil, the investigation will be carried out under the school's pupil conduct and disciplinary procedures. This means that the detail of the procedure and its outcome must remain confidential to the school and the parents of the child concerned.

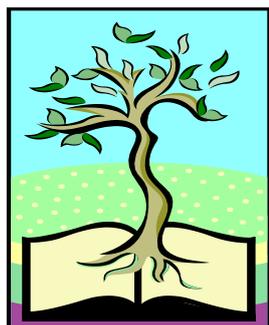
In due course, I may be able to provide you with some information about the outcomes of the investigation and the processes that have been followed, but in any event will let you know when the matter has been concluded.

If I can be of any further assistance, please do let me know.

Yours sincerely

Headteacher  
Or Chair of Governing Body

**Appendix 5 continued**



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**NOTIFICATION OF DECISION REGARDING FORMAL COMPLAINT**

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I/the panel have/has concluded that:

The concern is not substantiated by the evidence in that .....

**OR**

The concern was substantiated in part/in full, as ..... The school will review its practices/procedures ..... with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

**OR**

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

**OR**

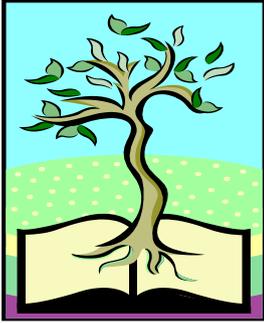
In order to address fully the matters of concern that you identified, the panel recommended that the governing body should review its ..... policy, as a matter of urgency. We are confident that this should prevent similar concerns arising in future.

I hope that this will now conclude the matter and we can look to the future working together for the benefit of your child's education and the school. However, if you are not satisfied with the response you have the right to request a review from the Governing

Body within 20 working days. Please see the Complaints Procedure for more details, or contact Mrs Walker, the clerk to the Governing Body.

Yours sincerely

Headteacher/Chair of Governing Body/Chair of Panel



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**REVIEW OUTCOME NOTIFICATION**

Dear

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint.

Summary of reasons .....

Therefore, we now consider the matter closed.

**OR**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

Therefore, the following action will be taken .....

Once this action has been completed the school will consider the matter to be closed.

**OR**

Having carefully considered your representations in the context of the relevant evidence, the Governing Body Complaints Review Panel has concluded that the school followed the relevant procedure appropriately in respect of your complaint except .....

However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint, so while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

If you feel that school has acted unreasonably or have not followed the correct procedures, you are able to contact the Secretary of State. Please see the School's Complaint Procedure for further information.

Yours sincerely

Chair of the Complaints Review Panel  
C.c. Headteacher Chair of Governors