



Brompton-Westbrook Primary School

The Westbrook Trust

Head Teacher: Mrs S. Mason

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 @BWPrimary

POLICY ON: RESOLVING CONCERNS AND COMPLAINTS and Appendices (i – iv)

Introduction

This policy complies with the standards set out in schedule 1, part 7 of the Education (Independent School Standards) Regulations 2010. The policy explains the procedures for handling complaints against statutory duties or powers of the academy such admissions, the curriculum and SEN but also for dealing with more general complaints such about the provision of facilities or services. The procedure applies to both parents/carers and other complainants e.g. about Sure Start.

The regulations with which the procedures must comply for parents /carers are as follows:

- The process must have 3 stages
 - Informal (meeting)
 - Formal 1 (in writing)
 - Formal 2 (panel hearing)
- The process must set out timescales
- There must be independent representation on the Panel at stage 3
- Parents / carers must be notified of the panel hearing in good time, receive information about the process, be invited to attend and be allowed to bring someone to accompany them

Staff, parents / carers and governors are consulted about this policy regularly. They are reminded of it in the school newsletter and asked to comment on it. The school hopes that this will ensure that the procedure is designed to facilitate resolution of concerns with the minimum of conflict and that it carries the confidence of all interested parties.

Pre-Stage 1

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of

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an informal meeting. Therefore the initial approach will normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

Stage 1 - Informal

As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore the initial approach will normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office and details should be noted on the model form (appendix v). The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached about the issue being raised.

Stage 2 – Formal 1

Where a matter is more serious, or an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing using the model form (appendix vi). On receipt of the complaint the school will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information.

Statute requires every school to have a large number of formal procedures in place. These include those for pupil behaviour and discipline, exclusion of pupils and staff capability or conduct. Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority who have a duty to provide for some children with special educational needs. The school must decide whether any of these procedures apply.

When the school's procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties. The reply will be given in writing.

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Stage 3 - Formal 2

If the complainant feels that their complaint has not been resolved during the informal stage and the formal stage 1, then it may be necessary to begin the formal stage 2. This will require a panel of 3 people to consider the complaint and these will be school governors and one person who not employed in or associated with the school. An example of such a person might be a governor from another school. The panel will review the matter and if necessary, investigate further. The panel will inform the complainant of the panel hearing date and if necessary, invite them to attend (with a companion if they wish). The panel will communicate its findings and recommendations, a copy of which will be stored in the school and given to the complainant. **These findings will be strictly confidential.**

There are separate appendices to this policy that outline what a panel must do (appendix iv) and guide both complainants and the panel regarding the kinds of behaviours that will not be accepted (appendix i).

Timescales

All complaints will be acted upon within 5 working days and concluded within 10 working days.

Reviewing Complaints

Complainants may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. There is a Review Request Form for complainants to use (appendix vii).

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of the request. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

If complainants are still not satisfied that the procedure has been followed correctly, they can contact the Education Funding Agency (EFA) using their Schools Complaint Form on their website. The EFA may look at whether the complaint has been dealt with properly and will only intervene if:

- there has been undue delay
- the school did not comply with its own policy
- the school is in breach of its funding agreement
- the school has failed to comply with a legal obligation

They will NOT intervene to overturn decisions made by a school about a complaint but if it has not been dealt with properly, they may ask for the complaint to be looked at again from the appropriate stage. If the school's complaints policy is incorrect, they EFA will ask the academy to put it right.

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Selecting the Appropriate Procedure

The school will ensure that the appropriate procedure is followed from the outset. This will mean that the best interests of the individuals are safeguarded and a resolution is achieved as quickly as possible. This is why the school has clear procedures for receiving enquiries and complaints (with model forms) which are used to help with the “triage” procedure and direct the enquiry or complaint to the appropriate person.

Nature of Contact	Appropriate Person to Receive Contact	Relevant Policy / Procedure
Request for published information	Office	FOI Act
Request for personal pupil information	Head Teacher of SLT member	Data Protection
Complaint about a policy	Head Teacher of SLT member Clerk if about a governing body policy	Resolving Concerns and Complaints Policy
Complaints about services or facilities	Head Teacher of SLT member Chair of governing body	Resolving Concerns and Complaints Policy
Complaint about a member of staff	Head Teacher or Chair of governing body if against the Head Teacher	Staff Discipline Procedure (confidential to school and employee)
Allegation about verbal or physical assault on a pupil by a member of staff	Head Teacher or Chair of governing body if against the Head Teacher	Local Child Protection Procedure (confidential to the school, LA CPDO, parents and alleged victim)
Allegation about capability of a member of staff	Head Teacher or Chair of governing body if against the Head Teacher	Staff Competence Procedure (confidential to school and employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or SLT member	Behaviour and discipline procedures (confidential to the school and parents of the alleged perpetrator)
Discipline of a pupil	Head Teacher or SLT member	Behaviour and discipline procedures (confidential to the school and parents of the pupil)
Content of or failure to maintain a Statement of SEN	Head Teacher and personalised Learning Leader	LA Procedures
Admissions	Chair of / Clerk to Governors	Admission procedure Admission appeals procedure
Exclusions	Chair of / Clerk to Governors	Exclusion appeals procedure
The curriculum – failure to	Head Teacher	Resolving Concerns and

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provide an appropriate curriculum		Complaints Policy
Extended services	Service Manager Head Teacher	Resolving Concerns and Complaints Policy
Decision to ban a person from the premises	Chair of / Clerk to Governors	Resolving Concerns and Complaints Policy

General Principles

- Wherever possible, securing an informal resolution will be the aim of this policy.
- All stages of the procedure will be investigatory rather than adversarial.
- The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.).
- The responsibility for dealing with general complaints lies solely with the school and no other body such as the local authority. All complaints to such bodies will be redirected to the school immediately.
- Anonymous complaints will not be investigated unless there are exceptional circumstances. These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- There are model letters for all stages of this policy, including for terminating spurious complaints and those brought by vexatious complainants (appendices viii – xiv).
- In advising complainants of the outcome of their complaint, the school will be careful in the details provided e.g. so as not to prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee’s employment or data protection rights. Sample responses are included (appendices viii-xiv)
- In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.
- Wherever possible, the governors involved in dealing with complaints will receive prior training.
- It is important that any potential complainant is aware of the correct channel through which to pursue their complaint so that they do not waste time by sending their letters to the wrong people such as e.g. Secretary of State, Councillors, MP, individual governors. Therefore a copy of this policy is available on the school website, on request and is regularly referred to in the school newsletter.

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- Complaints made more than three calendar months after an event will not be investigated except in exceptional circumstances.
- Investigation of any complaint or a review request will begin within 5 school days after the complaint has been received, except in exceptional circumstances.
- The investigation will be completed as soon as reasonably practicable but always within 10 school days, except in exceptional circumstances.
- The process of handling the complaint must be documented at all stages. All notes, forms, records and letters about the complaint will be kept by the school and a letter setting out the final outcome will be both kept by the school and sent to the complainant.
- The policy and procedures will be the subject of regular consultation with all interested parties
- The school should make it clear to any person who raises a concern that the school will treat the matter with a high degree of confidentiality and asks the complainant to do likewise.

Vexatious Complainants

Although the vast majority of complaints will be resolved amicably and quickly, sometimes, problems arise because complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong. These complaints can sometimes result in a school, which is acting very reasonably, being drawn into an a flurry of communication with each reply from the complainant demanding more and more answers to more and more questions. It is these vexatious complainants that the school will seek to protect itself from.

Monitoring Complaints

The school will keep an electronic complaints log. This log will hold the relevant names, dates, and reasons for the complaint. The number of complaints and whether they were drawn to a satisfactory conclusion will be reported in the Head Teacher's Report to Governors for information and discussion. It will be the responsibility of an appointed governor to read and appraise the complaints that have been made at least 3 times each year. Possible actions arising from the complaints will be discussed with the head teacher of governors as appropriate.

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Appendices

App (i)	Handling Unreasonably Persistent, Harassing or Abusive Complainants (Summary for Complainants)
App (ii)	Complaints (Summary for Parents)
App (iii)	Newsletter item to explain the policy and consult on its operation
App (iv)	Guidance for governing body panel meetings
App (v)	Meeting request form (informal stage)
App (vi)	Complaint form (formal stages 1 and 2)
App (vii)	Complaint review request form
App (viii)	Letter – Response to spurious complaint
App (ix)	Letter – Acknowledgement of formal complaint and invitation to a meeting
App (x)	Letter – Acknowledgement of formal complaint and invitation to a meeting (third party)
App (xi)	Letter – Acknowledgement of complaint and informing complainant that the matter has been referred
App (xii)	Letter – Acknowledgement and informing complainant that the matter is being dealt with under a confidential school procedure
App (xiii)	Letter – Notification of the decision after a formal complaint
App (xiv)	Letter – Review outcome notification
App (xv)	Flow chart – Summary of procedure to resolve complaints
App (xvi)	Meeting Minutes Form
App (xvii)	Complaint Analysis

App (i)

POLICY ON: Handling Unreasonably Persistent, Harassing or Abusive Complainants (Summary for Complainants)

This policy forms part of the school's policy on handling concerns and complaints. It sets out what a Hearing Panel must do if the behaviour of a complainant is unacceptable. All others receiving complaints e.g. the head teacher or senior leaders, must adhere to the advice given and this could result in the complainant being banned from the school site.

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The head teacher and governing body are fully committed improving the school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make an informal or a formal complaint. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this document is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

- What do we mean by ‘an unreasonably persistent complainant’?
 - An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.
- Unreasonable behaviour may include actions which are:
 - out of proportion to the nature of the complaint
 - persistent, even when the complaints procedure has been exhausted, or personally harassing
 - unjustifiably repetitious
- It is unreasonable if there is an insistence on:
 - pursuing unjustified complaints
 - unrealistic outcomes to justify complaints
 - pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language
 - making complaints in public or via social networking sites such as Facebook
 - refusing to attend appointments to discuss the complaint
- What is harassment?
 - We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution
- Behaviour may fall within the scope of this policy if:
 - it appears to be deliberately targeted at one or more members of school staff or others, without good cause
 - the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
 - it has a significant and disproportionate adverse effect on the school community

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect
- respect the needs of pupils and staff within the school

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- avoid the use of violence, or threats of violence, towards people or property
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- follow the school's complaints procedure

The schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty. However, in cases of unreasonable persistent complaints or harassment, the school may take some or all of the following steps as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy
- require all future meetings with a member of staff to be conducted with a second person present and in the interests of all parties, notes of these meetings may be taken
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a solicitor

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- consider asking the police to take action against the person which could lead to prosecution
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

App (ii)

POLICY ON: Complaints (Summary for Parents)

General Principles:

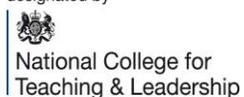
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- The procedure is intended to allow you to raise a concern or complaint relating to the school. Or the services that it provides
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three calendar months after the event being complained of, will not be considered

Raising a Concern or Complaint

1) Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person 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.

In the case of serious concerns it may be appropriate to address them directly to the head teacher (or to the chair of the governing body, if the complaint is about the head teacher).

If you are uncertain about who to contact, please seek advice from the school office or the clerk to the governing body.

2) Formal Stage 1

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring that it is investigated appropriately. If the complaint is about the head teacher, your complaint should be passed to the clerk to the governing body, for the attention of the chair of the governing body.

A complaint form is provided to assist you. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed. Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the head teacher, or to the clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, to assist you in explaining the nature of your concerns. It is possible that your complaint will be resolved through a meeting with the head teacher (or chair) or alternatively, the head teacher / chair of governors may decide that, because of the nature of the complaint it should be considered under a different and separate procedure.

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3) Formal Stage 2

If there is no resolution at Stages 1 and 2, a panel may be convened to look into the complaint. The panel will include at least 3 people and one member will be a person who is not employed in or associated with the school. An example of such a person might be a governor from another school. The panel will be asked to fully review the matter and if necessary, investigate further. You will be informed in good time about when the panel will convene and be invited to attend (with a companion if you wish). The panel will communicate its findings and recommendations, a copy of which will be stored in the school and given to the complainant. **These findings will be strictly confidential.**

Although panel members will be aware that, in some circumstances, the content of the complaint might be emotive, under no circumstances will they accept behaviour which is abusive, aggressive or threatening, whether that be verbal or physical. Neither will the panel continue the meeting if the complainant uses language that would be considered derogatory to minority groups e.g. racist, or homophobic. If such behaviour occurs, you will be asked to leave the meeting and risk being banned from entering the school premises for a given period. If you are asked to leave the meeting, the panel may decide to conclude the hearing without you or reconvene a meeting for another time.

Timescales

All complaints will be acted upon within 5 working days and concluded within 10 working days.

Reviewing Complaints

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. A review Request form is provided for your convenience (appendix ?).

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

If you are still not satisfied that the procedure has been followed correctly, you can contact the Education Funding Agency (EFA) using their Schools Complaint Form on their website. The EFA will may look at whether the complaint has been dealt with properly and will only intervene if:

- there has been undue delay
- the school did not comply with its own policy
- the school is in breach of its funding agreement
- the school has failed to comply with a legal obligation

The will NOT intervene to overturn a decision made by an academy about a complaint but if it has not been dealt with properly, they may ask for the complaint to be looked at again from the appropriate stage. If the school's complaints policy is incorrect, they EFA will ask the academy to put it right.

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EFA Complaints Form Link

<https://www.education.gov.uk/form/school-complaints-form>

App (iii)

Newsletter Item

Raising Concerns and Resolving Complaints

From time to time, parents and others connected with the school will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "School Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

There are summaries for parents about the procedure and these may be obtained from the school office or on the school website. As always, we would be very grateful if you could find time to read through these and pass on your thoughts about them. This will help the school and its governors when they come to review and update these documents. The full policy is also available on request.

You can feedback your thoughts by sending an email to the office @ address, dropping in a note or by passing on your thoughts to a member of staff, such as your child's class teacher.

App (iv)

Guidance for Governing Body Panel Meetings

Complaints Panel

If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process, it may be necessary to convene a governing body panel to consider the matter and formulate a response.

The complaint is likely to relate to matters such as:

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- the content or the application of a governing body policy
- school facilities
- services that the school provides.

If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee should be convened. Otherwise the clerk should convene a panel of 3 people who have not previously been involved with the complaint. One member of the panel must be impartial and have no involvement with the school, as an employee or otherwise.

The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary.

A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant (who may be accompanied by a friend if they wish) and representative(s) from the school (who may also be accompanied by workplace colleagues or representatives from their professional associations) may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.

When the panel has collected sufficient information, it will deliberate and then inform the complainant, the head teacher and the governing body of the outcome, in writing. Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point. If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

Review Meeting

Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of a written request. The review will normally be conducted through a consideration of written submissions, but reasonable requests, from any of the parties, to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant. The panel will then invite representatives of the school (usually the head teacher or the chair of the governing body panel that has considered the matter), as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed.

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the panel meeting. The matter will then be closed as far as the school is concerned.

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An initial impact assessment under the school's Single Equality Scheme has been carried out for this policy	
A	Positive impact is explicitly intended and very likely
B	An adverse impact is unlikely, and on the contrary the policy has the clear potential to have a positive impact by reducing and removing barriers and inequalities that currently exist
C	An adverse impact is unlikely. On the contrary there is potential to reduce barriers and inequalities that currently exist. There is insufficient evidence, however, for this assessment to be made with as much confidence as is desirable
D	Adverse impact is probable or certain, since certain groups will be disadvantaged, either proportionately or absolutely, or both. Remedial action is therefore necessary
E	Adverse impact is probable or certain for certain groups but the policy as a whole can nevertheless be justified. PLEASE NOTE: Selecting this assessments will necessitate the need for legal advice

Version	1.0
Author	Jane Heyes (3Executive Head Teacher)
Approval Date	09.02.15
Review Date	February 2018

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The Westbrook Trust is a charitable company limited by guarantee, registered in England and Wales with company number 09223515 .

The registered office is at Brompton-Westbrook Primary school, Kings Bastion, Brompton, Gillingham, Kent. ME7 5DQ.

This school is committed to safeguarding and promoting the welfare of children and achieving equal opportunities and combating discrimination.