

Complaints Procedure

This procedure fulfils the requirements of the Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.”

The procedure contains:

- The informal stage
- The formal procedure the school will follow in the event that a complaint needs to be formally investigated
- Annex 1: Explanatory notes
- Annex 2: Flow diagram / timeline
- Annex 3: Conduct of an appeal hearing
- Annex 4: Policy on unreasonably persistent, harassing or abusive complainants
- Annex 5: A statement of policy for circulation to parents and other users of school services

This procedure does not apply to complaints or appeals in relation to:

- Admissions
- Child protection
- Collective worship
- Health and safety

If a concern is brought to the attention of the school that relates to any of these matters, the relevant statutory or local authority procedure will be used.

The governing body has adopted all the statutory procedure required to deal with

- Staff discipline and staff grievance
- Exclusions

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. They have their own complaints procedures.

COMPLAINTS PROCEDURE: INSTRUCTIONS FOR STAFF AND GOVERNORS ¹

¹ At any point where this procedure lacks clarity or includes any apparent contradictions, this will be resolved by a decision taken by, in the first instance, the investigator or, subsequently, the chair of the panel, taking into account, any relevant advice provide by the LA adviser. Where a procedural query cannot be resolved, this should be referred to the governing body, or, in the event of emergency, to the chair or vice chair as appropriate.

Introduction

What is a complaint?

This procedure applies to concerns or complaints about a school policy or procedure, or the way a school policy or procedure has (or has not) been implemented. It should be distinguished at the outset from an allegation about the conduct or behaviour of a member of staff for which disciplinary procedure will be used. Concerns and complaints may be communicated in writing, by telephone or in person. They may be expressed by parents, carers, volunteers or members of the community with an interest in the working of the school, on matters for which the school is directly responsible. For the purposes of this procedure, a complaint may be regarded as the formal registering of what may previously have been raised informally as a concern, either by the complainant requesting that the school use the formal procedure, or the school determining that it should use the procedure.

If, at any stage, a complaint is received alleging child abuse, the member of staff or governor receiving the complaint will contact the designated person (Alison Wilkinson or Lisa Longley) who will contact the local authority for advice immediately via the Local Authority Designated Officer (LADO). In such cases, the school will be advised to ensure that the procedures set out by the Cumbria Local Safeguarding Board are followed.

This procedure may be used to handle any complaints raised about volunteers, such as governors, where employment procedures are not appropriate.

How will a concern or complaint be received?

It is expected that those wishing to raise a concern about an aspect of their child's education will arrange through the office to meet with the relevant member of staff (or their manager) about whom the concern is being raised. It may be appropriate to arrange for staff to have a senior colleague present for the meeting. Members of staff will

- deal with and resolve the concern if they can;
- report to the Principal that they have been notified about a concern and;
- explain what action they have taken to deal with it.

If the concern is about a matter of school policy, then this should be referred to the Principal.

If a member of the school (staff or governor) receives any concern, complaint, or allegation which is not about them personally, it will be referred in the first instance to the Principal² so that a decision can be made as to which procedure should be used. If the complaint is about the Principal, it will be referred to the chair of governors; if it is about the chair of governors, it will be referred to the clerk to the governing body.

² or relevant member of the Leadership Team

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Informal Stage

Many concerns can be resolved by giving the complainant the opportunity to discuss matters with the individual concerned, whether a member of staff or the Principal. The school expects that the vast majority of concerns will be resolved at this stage.

The conclusions of any meeting with the complainant will be put in writing and copied to the complainant within 10 school days following the meeting. If the informal process has been exhausted and no satisfactory solution found, the complainant should be advised in writing within 10 school days by the member of staff dealing with the issue that if he/she wishes, the complaint can be considered formally.

The letter to the complainant will explain that they have 10 school days to request that their complaint is dealt with formally.

Formal stage: summary

There are normally three stages to the formal procedure

1. investigation by the Principal or senior member of staff - The Principal will make arrangements for the investigation to be carried out. In the case of a complaint about the Principal a nominated governor will make arrangements for the investigation. (From now on the person responsible for conducting the investigation will be referred to as “the investigator”).

2. investigation by Chair of governors or a nominated member of the governing body - The governing body, through the clerk or the chair, will appoint a governor to be the investigating officer.

3. complaint heard by Governing Bodies Complaints Appeal Panel (consisting of at least three governors and an independent panel member) - If the complainant is not satisfied with the outcome of the investigation, they may request that a panel considers an appeal against the outcome of the investigation and/or the procedure which has been followed. The appeal request should be made within 5 school days of receiving the investigation report or following a resolution meeting, if one takes place.

Formal stage 1 and 2 - Investigation

The complainant should put his/her complaint in writing. The complainant may make a request for formal consideration of their complaint in person, or by telephone. In this case, the person receiving the request will record the details, confirm with the complainant that the written record correctly reflects their complaint, and then pass it to the investigator.

However the complaint is notified, it will be acknowledged within 10 school days by the investigator. The investigator may provide the complainant with a copy of this procedure, provided that it is clear that this will be the procedure the investigator will follow.

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Where appropriate, the investigator may offer an opportunity to meet the complainant within 10 school days to discuss the complaint and what outcome the complainant seeks; and to agree what will be investigated. The outcomes of this meeting should then be confirmed in writing with the complainant and signed by both the complainant and the investigator. A copy of the outcomes should be sent to the complainant within 10 school days of the meeting.

If the complainant is expecting to know that disciplinary action will be taken as a result of the complaint, or that a decision taken as part of another statutory process will be overturned, then the investigator should either make clear that this is not possible (as disciplinary procedures are confidential) and/or close the meeting and take advice to make sure that the right procedure is being used.

The complaint will then be investigated. The investigation can include a review of any written papers, interviews with the person against whom the complaint is made (whether staff, governor, visitor), and any relevant witnesses. Interviews with children will only be undertaken by professionals (such as teachers or support staff who have a clearly established working relationship with the child) and not by governors. Permission will normally need to be obtained from pupils' parents for such interviews to take place. The school will take advice as necessary to ensure that such interviews are conducted appropriately.

The complainant is not normally entitled to see any written records, notes or minutes made by the investigator during the investigation, except notes of meetings where the complainant was present (The school may nevertheless be required to comply with a release of information through a Data Protection disclosure or Freedom of Information request).

The investigation will usually be concluded within 10 school days dating from the meeting with the complainant (or from receipt of the complaint where no meeting has taken place, or from the date of confirmation by the complainant that no meeting is sought) and a written response sent to the complainant at the end of the investigation. If there is to be a delay in concluding the investigation, a letter should be sent to the complainant explaining the reason for the delay and providing a revised date.

The written response will explain briefly

- a) what the investigation entailed (but not details of what was said or written by witnesses);
- b) whether the complaint has been upheld and if it isn't, the main reasons for not upholding;
- c) any action the school proposes to take to resolve the complaint where it is upheld, including offering a resolution meeting (but not including any subsequent, specific actions against any individual);
- d) any policy or procedure recommendations to be made to the Principal or governing body in the light of the investigation (whether the complaint is upheld or not);
- e) that there is a right of appeal to a panel of governors;
- f) that any appeal must be made in writing within 10 school days of their receiving the outcome letter (or of any failed resolution meeting);
- g) that if the right of appeal is not exercised, the matter is closed.

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Where a member of staff or volunteer (eg a governor) is the subject of the complaint, s/he will also receive a copy of the written response.

A recorded verbal notification of the complainant's request for an appeal hearing is acceptable, provided it is given within the relevant timescale.

Resolution meeting

Where a complainant agrees to attend a resolution meeting, this will usually be arranged no later than 10 school days after the date of the letter to the complainant. The purpose of the meeting is to give the opportunity for all parties to meet and agree any restorative actions.

Matters raised in this informal meeting would be confidential to that meeting with the only minutes being agreed outcomes. The meeting will be chaired or conducted by the investigator or the chair of governors or a third party external to the school. (This might be a representative of the local authority, the diocese, a governor of another school, a retired Principal or other professional known in the community). The chair of the meeting may be nominated by either party, but should be acceptable to both.

In the event that the complaint has not been upheld, such a meeting may be delayed until after any appeal has been heard.

Should the meeting not produce a resolution, then the complainant can still appeal to a panel of the governing body against the outcome of the investigation. This request must be made within 10 school days of the resolution meeting.

Formal stage 3 – Appeal Panel

A letter will be sent to the complainant acknowledging that they have exercised their right to an appeal hearing. This letter will:

- a) notify the complainant of the date by when his/her complaint will be heard;
- b) explain the format of the appeal hearing;
- c) inform the complainant of his/her right to submit any documents relevant to the complaint (but not material that would constitute an additional complaint) not later than 10 school days prior to the hearing);
- d) explain the complainant's right to be attend the meeting and to be accompanied at the hearing by a friend/adviser of their choice if they so wish.

A panel of a minimum of three governors, appointed by the governing body, will hear the appeal. Governors who have detailed prior knowledge of the complaint, or are involved in some other material way, will not be on this panel. In addition to the three governors, one member of the panel will be independent of the management and running of QESstudio School.

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The investigator will also be invited to prepare a written report in response to the appeal and be invited to attend the hearing. They have the same rights as the complainant.

All relevant correspondence and any additional written materials produced by either side will be circulated to all parties not later than 10 school days before the date of the appeal hearing. Any such material must not divulge confidential information relating to individual employees or children other than the complainant's.

The panel will meet and review all the written evidence presented to them. The panel may adjourn to request additional written evidence not available at the time, such as policy documents or correspondence, but it will not carry out any other additional investigation, such as interviewing further either the investigator or the complainant, not witnesses for either side.

The following referrals are included for the information of the school and complainant. They do not form part of the governing body's own complaints procedure and should not be regarded as further appeal stages.

Referral to the Secretary of State

The school recognises that a complainant currently³ has a separate right to complain to the Secretary of State if they believe that the governing body or the LA is acting unreasonably or is failing to carry out its statutory duties properly.

Referral to Ofsted

The school recognises that a complainant has a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at www.ofsted.gov.uk.

³ This right is to be replaced by the right to appeal to the Local Commissioner; when this is enforced, this procedure will be amended accordingly.

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COMPLAINTS PROCEDURE: EXPLANATORY NOTES FOR STAFF AND GOVERNORS

CHILD PROTECTION

- 1) If a complaint is received against a member of staff that amounts to an allegation of child abuse, the designated person (Alison Wilkinson or Lisa Longley) will immediately seek the advice of the Local Authority Designated Officer (LADO).

WHICH PROCEDURE?

- 2) The school will always try to resolve concerns at the earliest possible stage, but will not prolong the use of an informal approach in order to delay or avoid a formal investigation. It reserves the right to use the formal complaints procedure to deal with a concern, if this will resolve matters more speedily.
- 3) The school will not normally investigate anonymous complaints, but may retain and review any written material submitted anonymously for future reference and to ensure any warning signs are considered that will secure the safety of pupils and staff.
- 4) Complainants may not determine how a complaint will be investigated. Where a statutory or local authority procedure does not have to be followed, the school will use the relevant procedure most recently adopted by the governing body. Any variation to the procedure by the school should be agreed with the complainant in advance.
- 5) Complaints about governors will only be handled by the chair or clerk, using either this procedure, or by referring to guidance set out in A Guide to the Law for School Governors. (Ch 2 paras 26-32 Removal from Office; Ch 2 paras 37-39 Qualifications and Disqualifications; Ch 3 paras 51-53 Removal of the chair or vice-chair from office).
- 6) If the complainant has raised concerns about racist or homophobic incidents, staff should ask the complainant if they wish to record any hate crimes through the County Council's Prejudicial Incident reporting system. This can be reported directly through Allyson Carty, 5 Portland Square, Carlisle, Cumbria CA1 1PU or email: allyson.carty@cumbriacc.gov.uk If further support is needed for the complainant this can be gained again from Allyson Carty or Sara Nobili-Park email sara.nobili-park@cumbriacc.gov.uk

TIMESCALES

- 7) All concerns will be responded to swiftly and appropriate action taken, including making an apology where appropriate, so that concerns do not escalate to formal complaints.

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- 8) All references to 'days' are to school days. Where timescales are prescribed, the school recognises that there may be circumstances for both parties that prolong the procedure – such as sickness absence or holiday – and it would be reasonable to expect some variation or flexibility. The complainant will be informed of any change to timescales as soon as possible.
- 9) When a complaint is being handled, the investigator should arrange provisional dates for all stages in the procedure, allowing the school to plan for the appeal stage in advance.

INVESTIGATORS / PANEL MEMBERS

- 10) The Principal will ensure that those senior staff who may be delegated to act as an investigator will have this duty included in their job description.
- 11) The governing body will delegate to the chair and clerk, the power to appoint any suitable governor at the time a complaint is received.
- 12) All categories of governor may be regarded as suitable to be appointed as investigators or to a panel, provided that a governor is not previously 'tainted' or has a *personal* conflict of interest that would prevent them from acting impartially.
- 13) A governor will only be regarded as 'tainted,' and therefore ineligible to act as investigator or member of an appeal panel, if they have such a degree of prior knowledge of the details of the complaint that would enable them to have formed a preliminary judgement based on incomplete information or biased opinion.
- 14) Relevant staff and governors will attend training to ensure that complaints can be handled appropriately.

CONFIDENTIALITY / RECORDS / COMMUNICATION

- 15) A complaint received by any member of the governing body will not be referred to other members of the governing body (except the chair) nor taken to a governing body meeting.
- 16) Governors will advise any such complainant of the school's procedure and refer them either to the Principal or to the chair of governors, or to put their complaint in writing to the clerk to the governors, whichever is appropriate.
- 17) Complainants will be advised that they may harm the fair hearing of their complaint if they write to all members of the governing body.
- 18) All correspondence will use the school address. All letters from the governing body will be signed from and by the clerk to the governors, even where it is the chair of governors or other member of the governing body that is the investigator or the chair of an appeal panel.

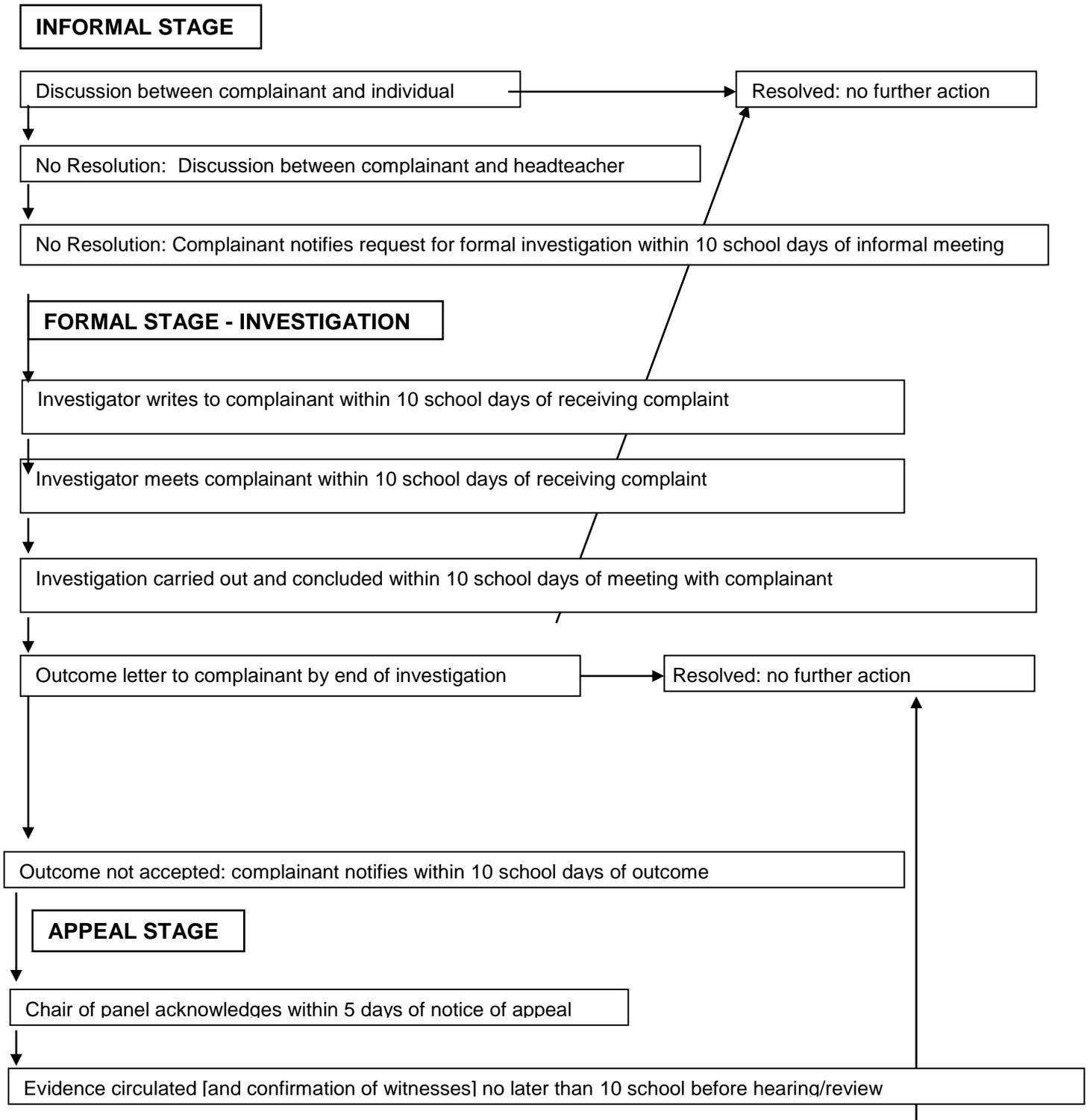
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- 19) The school will retain records of complaints for at least one year. As part of its process of self evaluation, the governing body will monitor records to review the effectiveness of the procedure and how the process of resolving concerns can contribute to school improvement.
- 20) If the complainant needs further advocacy assistance on other areas this link may be of use
- www.cumbria.gov.uk/adultsocialcare/rights/advocacy1.asp

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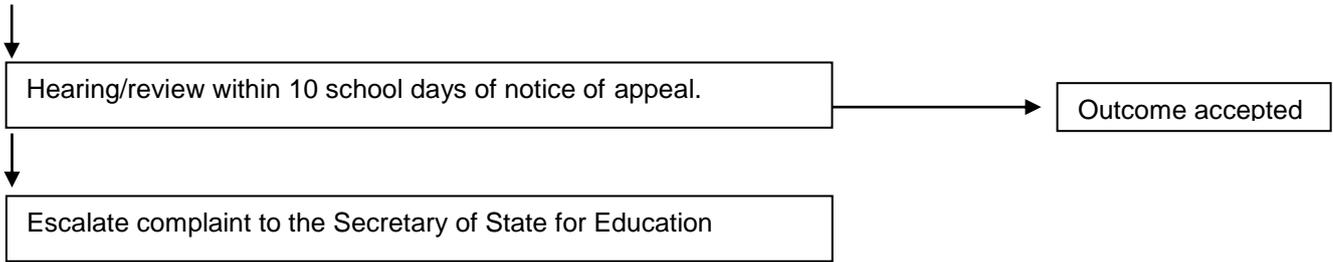
COMPLAINTS PROCEDURE: FOR STAFF AND GOVERNORS

TIMESCALES FOR COMPLAINTS PROCEDURES



Technical learning with local professional partners

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CONDUCT OF APPEAL HEARING: FOR STAFF AND GOVERNORS

General principles

- 1) The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant.
- 2) It is the responsibility of the chair of the panel to ensure that arrangements are made for the hearing to be properly minuted by a clerk.
- 3) The complainants may be unused to dealing with groups of people in formal situations. It is recommended that the chair ensures that the procedures are as informal as possible. Complainants will have been informed of their right to be accompanied.
- 4) The panel, the complainant, the investigator and any individual who is the subject of the complaint, will all have access to the same information at least 5 school days before the hearing. The introduction of previously undisclosed evidence or witnesses would be reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 5) The chair of the panel, at least 5 school days before the hearing, will let all parties know of the witnesses who are eligible to be called. It will be for the chair to decide whether a child may be present at any part of the meeting.
- 6) Only the complainant and his/her representative, the person about whom the complaint is made, the panel, and the investigator and his/her representative will be present throughout the hearing. Any other witnesses who appear at the hearing will be called into the meeting to give evidence, at the appropriate time.
- 7) Prior to the beginning of the hearing, the panel will convene to confirm the procedure to be followed, and consider any requests for variations to procedure.

Order of hearing

- 1) Welcome and introduction by chair of the panel.
- 2) Confirmation of the procedure to be followed.
- 3) Complainant, or their accompanying person, presents the appeal.
- 4) Questions to complainant may be asked by the panel and the investigator.
- 5) Any witnesses for the complainant are then called to give their evidence. Questions may be asked of any witnesses, as they appear, by the panel and the investigator.

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- 6) The investigator responds to the complaint.
- 7) Questions to the investigator may be asked by the complainant and the panel.
- 8) Witnesses may be called by the investigator to give their evidence. Questions may be asked of any witnesses, as they appear, by the panel and the complainant.
- 9) At the end of these stages, no further evidence can be offered.
- 10) Summing up by the investigator of the evidence presented.
- 11) Summing up by the complainant of the evidence presented.
- 12) Concluding remarks by the chair of the appeal panel. Explanation of what happens next by the chair of the panel.
- 13) The complainant and the investigator and any companions are asked to leave, and the panel deliberates. Only the outcome and reasons to be given in the letter to the complainant are recorded by the clerk, and not the deliberations prior to reaching a decision.
- 14) At any point in the proceedings, the chair may agree to an adjournment, subject to the proviso that it does not cause an unreasonable delay.

The decision

- 15) The panel will either:
 - uphold the complaint in full and inform the complainant of the grounds for its decision and if appropriate recommend a remedy, or;
 - uphold it in part and give reasons why, or;
 - dismiss it and inform of the reasons why it did not uphold the complaint.

Whatever the decision, the panel may also invite all parties to a resolution meeting.

- 16) The outcome of the appeal hearing will be confirmed in writing within 10 days of the hearing. The investigator will receive a copy of the letter, as will any individual named as part of the complaint.
- 17) The appeal panel will inform the governing body of the outcome and recommendations can be part of this information.

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COMPLAINTS PROCEDURE

POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Principal and governing body are committed to the improvement of our 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 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.

The aim of this leaflet 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 parents and carers who pursue complaints in an unreasonable manner that are not in line with our School Values of 'being decent' and 'being polite, friendly and courteous'.

Unreasonable behaviour may include:

- actions which are
 - out of proportion to the nature of the complaint, or
 - persistent – even when the complaints procedure has been exhausted, or
 - personally harassing, or
 - unjustifiably repetitious and/or
- an insistence on
 - pursuing unjustified complaints and/or
 - unrealistic outcomes to justified complaints and/or
- an insistence on
 - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
 - making complaints in public; or in website reviews; or on social media; or
 - refusing to attend appointments to discuss the complaint.

What is 'harassment'?

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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 seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time 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 ongoing distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community, interfering with the daily business of the education of pupils.

What can you expect from the school?

Anyone who raises informal or formal concerns and complaints with the school can expect us to:

- keep in touch regularly in writing over
 - how and when problems can be raised with the school
 - details of the school's complaints procedure
 - details of the school's Unreasonably Persistent Complaints/Harassment Policy.
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's complaints procedure and advice from Cumbria County Council or diocesan authority;
- keep those involved informed of progress.

This leaflet forms part of the school's complaints procedure, available on request from the school office.

What the school expects of you

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

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence (including 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;
- recognise that some problems may not be resolved in a short time;
- follow the school's complaints procedure.

Schools responses to unreasonably persistent complaints or harassment

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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 unreasonably persistent complaints or harassment, the school may take 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. 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.

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

Physical or verbal aggression

The school will not tolerate **any** form of physical or verbal aggression against school staff. If staff are subject to this type of aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.

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.

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COMPLAINTS PROCEDURE

A STATEMENT FOR PARENTS, CARERS AND OTHER USERS OF SCHOOL SERVICES

We very much hope that you and your child will be very happy at our school, and that any concerns that may arise are dealt with swiftly by our staff.

However, we recognise that there may be an occasion when you are not entirely happy with an aspect of the service that we provide, and that you want the school to deal with your concern through a more formal process. This leaflet sets out what the school will do if you wish to raise that concern informally, or make a formal complaint.

Who can raise a concern or make a complaint?

Anyone who uses the school, whether a student, a parent or carer, or a provider of a service to the school, or a visitor can use this procedure. If you wish to raise a concern or complain on someone else's behalf, the school will only deal with this if the person on whose behalf you are complaining is unable to do so for themselves (for example, they are too young or they have a disability that prevents them from complaining on their own behalf).

How will my concern be handled?

Our procedure has two stages, an informal and a formal stage.

Informal Stage - If your concern is about something that a person has or has not done, for example a member of staff, a governor, or a volunteer, you should make an arrangement through the school office to speak to that person or their manager (and not approach them while they are 'on duty'). If your concern is about an aspect of school practice or policy, you should contact the Principal, Head of School or Deputy Head. We want to resolve the concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. We can reassure you that most concerns are usually resolved at this stage.

Formal Stage - Investigation

If you remain dissatisfied by our response to your concern, then you should make a complaint to the Principal. The Principal will arrange for the complaint to be investigated and respond to you within a reasonable time.

If your complaint is about the Principal, you should put details of your concern in writing to the chair of governors who will arrange for it to be investigated. If your concern is about the chair of governors, write instead to the clerk to the governing body, who will make the arrangement.

In all cases

- State that you are making a formal complaint;
- Give specific details;

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- Say what you want the school to do to put things right

If you need help to set out your complaint in writing, the school will arrange this for you. All letters should be sent to the school address, marked 'Confidential: For immediate attention.'

Formal Stage – Appeal Panel

If you remain dissatisfied with the outcome of the investigation into your complaint, you may appeal to the appeal panel. The chair of governors (or clerk) will arrange for a panel to consider your appeal and respond to you within a set timescale. For complaints about staff (except the Principal) or volunteers who work in school, this is the final stage of the complaints procedure and the panel's decision is final. If you are complaining about either the Principal or a member of the governing body, and are dissatisfied with the nominated governors' response you also have a right to appeal to the appeal panel.

The letter giving the school's decision following the investigation will tell you how to make an appeal; this is usually in writing to the clerk. The governing body will arrange for a panel of three governors plus one independent person to hear your appeal in person. After this hearing, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision.