



Thorns Community



Infant School

## Park Hill Thorns Federation

# Complaints Policy and Procedure

Written: October 2019

Agreed by governors: November 2019

Reviewed: October 2021

Next review: October 2023

Policy to be filed in the Safeguarding Portfolio

Based on Warwickshire County Council Complaints Toolkit October  
2019

Adopted by the Governing Board:

**Signed:** \_\_\_\_\_

Chair of Governors

\_\_\_\_\_

Executive Headteacher

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## 1. Background

Park Hill Thorns Federation is committed to providing the very best education for our young people and we want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

The head teacher will be the first point of contact when following the complaints procedure.

## 2. Legal framework

2.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The School Information (England) Regulations 2008
- The Education (Pupil Information) (England) Regulations 2005

2.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

2.3 This policy will be implemented in accordance with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy

## 3. Aims and Principles of the Policy

This Policy aims to:

- ✓ Encourage the resolution of concerns and complaints by informal means wherever possible
- ✓ Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible

- ✓ Provide effective and appropriate responses to concerns and complaints
- ✓ Maintain good relationships between the School and all those involved

Where concerns are raised, the School intends for these to be dealt with fairly, openly and promptly. The Governing Board has approved the following procedure which explains what the Complainant (or person who makes the complaint) should do if they have any concerns about the school.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the policy and make it available on the school website.

Where appropriate, the School **may** offer mediation to resolve a concern or complaint at any stage of the process. The School may also use someone independent from the School to investigate a complex issue and to report back to the Head teacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

Should the need arise, such as a complaint reaching Stage 4 of the process, the Complaint Appeal Panel (CAP) may consist of, or include, governors from any school(s) that we have a Joint Hearing Panel Agreement.

#### 4. Scope of this Complaints Procedure

School Governing Boards are required under Section 29(1) of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. This procedure covers all complaints about any provision of community facilities or services by Park Hill Thorns Federation other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs under Children &amp; Families Act 2014</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <a href="https://www.warwickshire.gov.uk/">Warwickshire County Council</a> 01926 410410.</p> <p><a href="https://www.warwickshire.gov.uk/">https://www.warwickshire.gov.uk/</a></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>Any child protection complaints should be directed to the LA designated officer (LADO) or the Multi-Agency Safeguarding Hub (MASH). 01926 414144</p>

<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Complaints about pupils being excluded from school should be dealt with by following the process explained at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p><a href="https://www.parkhilljuniorschool.co.uk/key-information/key-information-policies-and-ofsted">https://www.parkhilljuniorschool.co.uk/key-information/key-information-policies-and-ofsted</a> for the Behaviour Policy at Park Hill Junior School</p> <p><a href="https://www.thornsinfantschool.com/policies/">https://www.thornsinfantschool.com/policies/</a> for the Behaviour Policy at Thorns Infant School</p>
<ul style="list-style-type: none"> <li>• Staff grievances, conduct and disciplinary procedures</li> </ul>	<p>Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedures.</p> <p>In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>School has an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>Complaints of this nature should <b>not</b> be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on 0300 123 3155 or via email at <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a></p> <p>Volunteers who have concerns about the school should make their complaint in line with this policy. Volunteers may also be able to complain direct to the LA or DfE, depending on what the complaint is about.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
<ul style="list-style-type: none"> <li>• National Curriculum – RE and RSE</li> </ul>	<p>Complaints about how the school delivers RE and RSE <b>will</b> be dealt with using this complaints procedure.</p> <p>Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.</p> <p>Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

Arrangements for handling complaints from parent of children with Special Educational Needs and Disabilities (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher they will then be referred to the complaints policy. Our SEND policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

## 5. Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a Social Services authority decides to investigate a situation, the head teacher or governing board may postpone the complaints procedure.

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

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 6. Roles and responsibilities

6.1 The **Complainant** (or person who makes the complaint) will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint / concern in full at the earliest possible opportunity, including the outcome they are looking for.
- Promptly respond to any requests for information or meetings or in agreeing the details of the complaint / concern.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.

- Refrain from publicising the details of their complaint on social media and respect confidentiality.

## 6.2 The **Complaints co-ordinator** Mrs Bradbury Headteacher

The Complaints co-ordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the school's ICT system and retained in line with the school's Records Management Policy.
- Liaise with staff members, Head teacher, Chair of Governors, Clerk and LA (if appropriate) to ensure the smooth running of the complaints procedure
- Be aware of issues regarding sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this

## 6.3 The **Investigator** (usually the Head of Teaching and Learning and *the person involved in stages 1 and 2 of the procedure*) will

- Provide a sensitive, open, transparent and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all staff and pupils and other people that are involved in the complaint.
- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Analyse all information in a comprehensive and fair manner.
- Liaise with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Keep notes of interviews or arrange for an independent note taker to record minutes of meetings.
- Ensure that any papers produced during the investigation are kept securely pending any appeal.



- Be mindful of timescales and ensuring all parties involved are aware of these timescales.
- Prepare a comprehensive report for the Head teacher or Complaints Appeal Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- Respond to the complainant in plain and clear language.

The head teacher will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

#### 6.4 The **Chair of the Complaint Appeal Panel** will:

- Ensure that both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- Ensure written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.

- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

6.5 All **Complaint Appeal Panel Members** will remember that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The aim of the meeting (which will be held in private) will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his / her complaint has been taken seriously.

The Complaint Appeal Panel can:

- ❖ Dismiss or uphold the complaint, in whole or in part.
- ❖ Decide on appropriate action to be taken.
- ❖ Recommend changes that the school can make to prevent reoccurrence of the problem.

Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel members should respect the views of the pupil and give them equal consideration to those of adults.

If the pupil is the complainant, the panel members should ask in advance if the support is needed to help them present their complaint.

If the pupil's parent / carer is the complainant, the panel members should give the parent / carer the opportunity to say which parts of the meeting, if any, the pupil needs to attend.

However, the parent / carer should be advised that agreement might not always be possible if the parent wishes the pupil to attend a part of the meeting that the panel members consider is not in the pupil's best interests.

The welfare of the pupil is paramount.

6.6 The **Panel Clerk** will be the contact point for the complainant and the Complaints Appeal Panel (CAP) members. He / she will circulate the relevant papers and evidence before the CAP meeting and will:

- Provide procedural advice and guidance.
- Continuously liaise with the complaints co-ordinator.
- Record the proceedings.
- Provide administrative support for the meeting, including convening it.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Produce a record of the Complaints Appeal Panel Meeting.
- Act in accordance with the policy and procedure.

## **7. Making a complaint**

7.1 Complaints are not restricted to parents of attending pupils. The school will consider all complaints.

7.2 The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

7.3 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

- 7.4 The school upholds a **3-month** time limit in which a complaint can be lodged regarding an incident.
- 7.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 7.6 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 7.7 Complaints should be made using the appropriate channels of communication, including the use of the Complaint Form (*Appendix 2*).
- 7.8 All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).
- 7.9 A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 7.10 Any complaint made against a member of staff will be initially dealt with by the Head teacher, and then by a committee of the governing board.
- 7.11 Any complaint made against the Head teacher shall be initially dealt with by a suitably skilled member of the governing board and then by a committee of the governing board.
- 7.12 Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the clerk to the governing board.
- 7.13 Any complaint made against the entire governing board, or complaints involving the chair and the vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.
- 7.14 Under some circumstances, it may be necessary to deviate from the complaint's procedure. Any deviation will be documented.
- 7.15 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

# Complaints Procedure

## Introduction

Inevitably there will be occasions when parents / carers / stakeholders are worried or concerned about issues arising from their child's experiences whilst in the care of Park Hill Thorns Federation. Many of these issues are more correctly identified as concerns rather than complaints. Park Hill Thorns Federation is committed to taking such concerns seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. However, on the rare occasions when a concern cannot be resolved, we have a formal complaints procedure which is outlined below.

The prime aim of Park Hill Thorns Federation policy is to resolve any complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Serial and Unreasonable Complaints will incur appropriate action by the school – please refer to our model Policy for Serial and Unreasonable Complainants for further guidance in this regard.

## Definition

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communications as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made about actions taken or a lack of action”.

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

A '**grievance**' is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, we invite them to raise this with their child's class teacher in the first instance. Ideally the class teacher will be able to address the Complainants' concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

If a complainant has difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, Mrs Bradbury Headteacher, will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Mrs Bradbury, will refer them to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Park Hill Thorns Federation will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### Complaint Process from Start to Finish

Concern or Complaint Received	
Stage 1 – INFORMAL STAGE	
SCHOOL ACTION	
<p>Informal discussion with the teacher or other relevant member of staff, usually resulting in the resolution of the issue.</p> <p><b>If the complaint is about the Head teacher – proceed to Stage 2*</b></p>	<p>Within <b>7 school days</b>, the complainant is informed of the action to be taken to resolve the issue.</p> <p>If they are not satisfied with the outcome a copy of the school's complaint procedure will be given together with information on how to proceed to Stage 2.</p> <p>If the Head teacher has addressed the complaint at this stage, then the matter should progress to Stage 3.</p>
FORMAL STAGE	
Stage 2 – COMPLAINT HEARD BY HEAD TEACHER	
<p>The complaint is submitted to the Head teacher</p>	<p>Within <b>5 school days</b> the Head teacher will acknowledge receipt of the complaint and after investigation will provide a full written response to the complainant within <b>15 school days</b>.</p> <p>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 3.</p>
Stage 2* - COMPLAINT HEARD BY CHAIR OF GOVERNORS (if the complaint is about the Head teacher)	
<p>A written complaint is sent to the Chair of Governors</p>	<p>The Chair of Governors acknowledges receipt and provides a full written response within <b>15 school days</b>.</p> <p>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 4.</p>
Stage 3 – INVESTIGATION BY THE CHAIR OF GOVERNORS	
<p>Complainant writes to the Chair of Governors within <b>10 school days</b> of receiving the response confirming they</p>	<p>The Chair acknowledges receipt and provides a full written response within <b>20 school days</b>.</p>

<p>remain dissatisfied and requesting further investigation of their complaint.</p>	<p>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 4.</p>
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**Stage 4 – COMPLAINTS APPEAL PANEL (CAP)**

<p>Complainant writes to the Clerk of the Governing Board within <b>10 school days</b> of receiving the response, requesting an appeal to be heard by a Complaints Appeal Panel.</p>	<p>The Clerk will acknowledge receipt of the complaint within <b>3 school days</b> and will arrange for a CAP to meet within <b>20 school days</b>.</p> <p>Once the CAP meeting has taken place, the Clerk will inform the Complainant of the outcome within <b>5 school days</b>.</p>
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**Final Stage - APPEAL**

<p>If the Complainant remains dissatisfied with the outcome, they have the right to refer their complaint to the Secretary of State.</p>	<p>The Secretary of State may intervene if a Governing Board has acted unlawfully or unreasonably.</p>
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**NB:** *Every effort will be made to meet the timescales stated but if it is not possible to meet them at **any** stage of the process the complainant will be contacted with an explanation and a revised date.*

## Stage 1 - Informal Stage

Concerns may be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The Complainant should start by sharing their concerns with the class teacher as this is usually the best and quickest way of resolving issues. In some cases, the concern raised may require investigation, or the class teacher may feel it more appropriate to refer the Complainant to a more senior or experienced member of staff who will try to resolve the concern informally. In this case the Complainant should receive an informal but considered response within **7 school days**.

- It is recommended that the Complainant makes an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- To prevent any later challenges or disagreements over what was said, it is good practice for the class teacher to make brief written notes of meetings and telephone calls and a copy of any written response should be added to the record. These notes are kept securely on the school's ICT system.
- They may need to talk to others before they can respond. The Complainant should be given a timescale for a response; no more than **7 school days**.

Most concerns will be satisfactorily dealt with in this way. However, if the Complainant is not happy with the informal approach then a formal complaint must be made to the Head teacher (unless they are about the head teacher) within **10 school days** via the school office, giving the reasons for the continued concern.

This may be done in person, in writing (preferably on the Complaint Form *Appendix 2*), or by telephone. The issue will then be escalated to **Stage 2 – Formal Complaint made to the Head teacher**.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

- If the complaint is about the head teacher, the Complaints Co-ordinator should be informed and will need to handle the complaint. The complainant can then be referred to the Chair of the Governing Board.
- If a complaint is made to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the adopted school procedure; if they do, they cannot be involved in the complaint is subject to a hearing at a later stage of the procedure.



## Stage 2 – Formal Complaint made to the Head teacher

Stage 2 of the process should be completed within **15 school days**. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the head teacher will contact the complainant to inform them of a revised target date.

Formal complaints can be raised:

- By letter or email
- Over the 'phone
- In person
- By a third party acting on behalf of the complainant

The Head teacher will record the date the complaint is received by completing a Complaint Tracker Form *Appendix 3*) and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

An appointment with the head teacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant can arrange alternative accompaniment.

The head teacher (or other person appointed by the head teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation should be sent to the complainant within **5 school days**.

Where the head teacher or chair of the governing board has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted.

The Head teacher or investigator will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact the Complainant if they need further information;
- Clarify how the Complainant may feel things could be put right (if this has not been set out in their letter or included on the Complaints form);
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record.

The Head teacher or investigator will keep in mind ways in which the complaint can be resolved. It may be enough to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

Once all facts are established, within a maximum of **15 school days** the Head teacher should contact the complainant in writing with an explanation of the decision.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Park Hill Thorns Federation will take to resolve the complaint.

The complainant will be advised of any escalation options (for example, escalation to Stage 3) and provided with details of this process.

Complaints can be escalated by contacting the clerk to the governing board:

- by letter or email
- over the 'phone
- in person
- through a third party acting on behalf of the complainant

The clerk will need the details of the complaint, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The complainant will also be provided with copies of approved minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

### **Stage 3 – Investigation by the Chair of Governors**

The complainant should submit any complaint in respect of the head teacher's investigation in writing (or via an alternative method if necessary) within **10 school days** to the chair of governors.

The chair of governors will carry out an investigation and consider all available evidence.

The complainant and the head teacher should be informed of the outcome within **20 school days** of the chair of governors receiving the complaint. The complainant will be advised of any

escalation options (for example, escalation to stage four) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If the complainant is not satisfied with the way the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four).

#### **Stage 4 – Complaint Appeal Panel (CAP)**

Following receipt of a Stage 3 outcome, the complaint should be made in writing to the Clerk, via the school office within **10 school days** requesting a Complaints Appeal Panel Meeting (CAP) – a meeting with members of the governing board’s complaints committee, which will be formed of three, impartial governors. This is the final stage of the complaints procedure.

- Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the school’s ICT system and, where appropriate, encrypted.

The Clerk to the Governing Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**.

The acknowledgment will advise the Complainant that three members of the School’s Governing Board (which may include or comprise of Governors from schools with whom the school has a Joint Hearings Panel agreement in place) should hear the complaint within **20 school days** of receipt of the **Stage 4 – Complaint Appeal Panel** request.

The Complaint Appeal Panel members will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs.

If it is not possible to convene the meeting within **20 school days**, the Clerk will provide an anticipated date and keep the complainant informed.

The letter will invite the Complainant to attend and explain that they have the right to submit any further documentation relevant to the complaint. The Complainant may bring a friend or someone else for support.

Generally, we do not encourage either party to bring legal representatives to the CAP meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and /or legal representation.

Representatives from the media are not permitted to attend.

The Clerk will enclose a copy of this Complaint Procedure with the acknowledgement.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

An experienced governor will convene a CAP comprising of:

- Three members of the governing board.
- The independent Complaint Panel member will be the Chair of the Complaint Panel

If the whole governing board is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – complainants should provide evidence to support their request. Whilst the final decision regarding such a request rests with the governing board, it should be granted where the appearance of bias is enough to taint any decision reached.

To appoint a governor from another school onto an independent complaints appeal panel, the governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003. **However** as Park Hill Thorns Federation has a Joint Hearings Panel agreement in place with other schools these governors may be appointed onto the CAP.

Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced.

Governors from academies may be asked to serve on a Complaints Appeal Panel.

If the attendance of any child pupil is required at the hearing, parental permission will be sought if they are under the age of 18.

A child pupil has the right to be accompanied at a Complaints Appeal Panel Meeting and extra care will be taken to consider the vulnerability of children where they are present at a Complaints Appeal Panel.

Where appropriate, the clerk will ask for support from Governor Services at the LA.

At least **10 school days** before the meeting, the Clerk should:

- confirm and notify all parties of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5 school days** before the meeting.
- Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The CAP will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The CAP will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from **Formal Stage 2 – Formal Complaint made to the Head teacher**

Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The head teacher will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The CAP will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Clerk will record the proceedings in the form of minutes. The typed minutes are a summary of the procedure followed and the discussions taking place at the meeting but will not include the deliberations of the panel. Notwithstanding this, full and comprehensive notes of the decision taken by the CAP should be taken. The minutes are the property of the governing board and the final approved version can be made available upon request, with release subject to the rules set out in the GDPR and the DPA 2018.

The CAP should allow for:

- ✓ The complainant to be present and accompanied at the hearing if they wish.
- ✓ The complainant to explain their complaint and the head teacher to explain the reasons for their decision.
- ✓ The complainant to question the head teacher, and vice versa, about the complaint.
- ✓ Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- ✓ Members of the CAP to question both the complainant and the head teacher.
- ✓ Final statements to be made by both parties involved.

The CAP will consider the complaint and all the evidence presented, they can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the CAP will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the CAP will provide the complainant and Park Hill Thorns Federation with a written response explaining the panel's findings and recommendations within **5 school days**. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

Where relevant, the person complained about will receive an approved summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

If it is not possible to meet this timeline then the Clerk of the Panel will contact both parties to discuss a mutually convenient date. *Further information on how the Panel operates and the process it follows is attached as Appendix 8.*

### **Final stage – Appeal**

If a complaint has completed the school's process and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State using the [online form](#) or in writing to:

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

The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in accordance with its legal definition, meaning acting in a way that no reasonable school or governing board could act in the circumstances.

### **Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another independent member of staff. In the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents / carers.

The school will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

### **Recording a complaint**

A written record shall be kept of any complaint made, whether made via phone, in person or in writing detailing:

- The main issues raised the findings and any recommendations.

- Whether the complaint was resolved following an informal route, formal route of panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the head teacher.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation.

Complainants are likely to have a right to access copies of these records under data protection legislation.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

### **Anonymous complaints**

Park Hill Thorns Federation will not normally investigate anonymous complaints. However, the Head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Duplicate complaints**

There may be some cases where at the end of the complaints procedure Park Hill Thorns Federation receives a duplicate complaint on the same subject from a complainant's spouse, partner, grandparent or child.

The 'new' complaint will be assessed to establish whether there are new aspects to it that may not have been previously considered, or if there is any new information to consider. Any new elements of a complaint will be investigated and dealt with in line with the complaints procedure.

If Park Hill Thorns Federation are satisfied that there are no new aspects, the new complainant will be advised to contact the DfE if they are dissatisfied with the handling of the original complaint.

### **Unreasonable and / or persistent complaints**

Most complaints raised will be valid, and therefore Park Hill Thorns Federation will follow the procedure outlined to deal with them. However, a complaint may become unreasonable if the person:

- ❖ Has made the same complaint before, and it is already been resolved by following the school's complaints procedure;
- ❖ Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- ❖ Knowingly provides false information;
- ❖ Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure;
- ❖ Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with the complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out;
- ❖ Changes the basis of the complaint as the investigation goes on;
- ❖ Makes a complaint designed to cause disruption, annoyance or excessive demands on school times; or
- ❖ Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

***Steps Park Hill Thorns Federation will take:***

Park Hill Thorns Federation will take every reasonable step to address the complainant's concerns and give a clear statement of our position and their options. We will follow our complaints procedure wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communication strategies in place. We may:

- ❖ Give the complainant a single point of contact via an email address;
- ❖ Limit the number of times the complainant can make contact, such as a fixed number per term;
- ❖ Ask the complainant to engage a third party on their behalf, such as Citizens Advice; or
- ❖ Put any other strategy in place as needed.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

The school will not deny any individual access to information that they have a right to under the Education (Pupil Information) (England) Regulations 2005.



## Stopping responding

Park Hill Thorns Federation may stop responding to the complainant when all these factors are met:

- ❖ We believe we have taken all reasonable steps to help address their concerns;
- ❖ We have provided a clear statement of our position and their options; and
- ❖ The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## Complaint campaigns

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints. For the purpose of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject.

Depending on the subject in question, Park Hill Thorns Federation may deviate from the procedure set out in this policy and would follow DfE recommendations.

Where Park Hill Thorns Federation becomes the subject of a complaint campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If Park Hill Thorns Federation receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

## Barring from school premises

School premises are private property and therefore any individual can be barred from entering the premises.

If an individual's behaviour is cause for concern, the head teacher can ask the individual to leave the premises.

The head teacher will complete an Anti-Social Behaviour Record (*Appendix 4*) documenting accurate details.

The head teacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and the reasons why, subject to any representations that the individual may wish to make.

**Note:** For any schools that contact Legal Services regarding this, they will write to the parents on the school's behalf.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of governors or a committee of governors, considering any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the head teacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

### **Social Media**

For complaints to be resolved as quickly and fairly as possible, Park Hill Thorns Federation requests that complainants do not discuss complaints publicly via social media including, but not limited to, Facebook, WhatsApp and Twitter. Complaints will be dealt with confidentially for those involved, and Park Hill Thorns Federation expect complainants to also observe confidentiality.

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, Park Hill Thorns Federation is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school's website.

### **Parental responsibility**

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

[Understanding and dealing with issues relating to parental responsibility](#) contains specific advice about how to approach issues concerning parental responsibility. Park Hill Thorns Federation will adhere to this advice as well as following this policy.

### **Complaints that Result in Staff Capability or Disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Head teacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

### **Complaints about the Governors**

For Complaints against any member of the Governing Board Appendix 7 should be followed.

## **Time Scales**

For Park Hill Thorns Federation to be able to investigate a complaint, the initial concern needs to be raised within **3 months** of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. If a concern / complaint relates to an incident older than this it will not be investigated or discussed further, other than in exceptional circumstances which would be entirely at the discretion of the head teacher.

What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head teacher will review the situation and decide whether to enact the complaints procedure, informing the chair of governors of the decision.

## **Complaints about our fulfilment of the Early Years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainants of the outcome within **28 days** of receiving the complaint. Park Hill Thorns Federation will keep a record of the complaint and make this available to Ofsted on request.

Parents / carers can notify Ofsted if they believe that the school is not meeting the Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

## **Timeframe for Formal Complaints**

Park Hill Thorns Federation will endeavour to abide by the timeframes stated but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

All timescales refer to school working days, i.e. excluding weekends, school holidays etc.

## **Complaints Received Outside of Term Time**

Park Hill Thorns Federation consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Record keeping and Confidentiality**

Park Hill Thorns Federation will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and telephone calls.

The records will be treated as confidential and held securely on the school's ICT system and will be viewed only by those investigating the complaint or on the CAP.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through data protection or other legislation, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy / record retention schedule,

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board, in case a Complaint Appeal Panel needs to be convened at a later point.

### **Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintain schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

### **The Role of the Local Authority (LA)**

There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Head teacher, Chair of Governors or Clerk as appropriate

### **Transferring data**

Park Hill Thorns Federation will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained in circumstances in which the pupil (and therefore their educational record) transfers to a new school.

Information that Park Hill Thorns Federation retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

### **Availability and Publishing our policy**

A copy of this policy will be published on the school website in accordance with the School Information (England) Regulations 2008.

## **Reviewing and Monitoring Arrangements**

The Governing Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of complaints, and review underlying issues as stated above.

The Governing Board will review any underlying issues raised by complaints with the Head teacher, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practices to help prevent similar events in the future.

The complaints procedure will be reviewed every **2 years**, considering the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the governing board.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

## **Links with other policies**

Policies dealing with other forms of complaints include:

- ❖ Child protection and safeguarding policy and procedures
- ❖ Admissions policy
- ❖ Exclusions policy
- ❖ Staff grievance procedures
- ❖ Staff disciplinary procedures
- ❖ SEN policy and information report
- ❖ Privacy notices
- ❖ Serial and Unreasonable Complaints
- ❖ Complainants who behave in an unacceptable way & Barring from the School Premises
- ❖ Child friendly complaints procedure

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## Appendix 1 - Complaints Process from Start to Finish

Concern or Complaint Received	
<b>Stage 1 – INFORMAL STAGE</b>	
<b>SCHOOL ACTION</b>	
<p>Informal discussion with the class / form / subject / pastoral teacher or other relevant member of staff, usually resulting in the resolution of the issue.</p> <p><b>If the complaint is about the Head teacher – proceed to Stage 2*</b></p>	<p>Within <b>7 school days</b>, the complainant is informed of the action to be taken to resolve the issue.</p> <p>If they are not satisfied with the outcome a copy of the school's complaint procedure will be given together with information on how to proceed to Stage 2.</p> <p>If the Head teacher has addressed the complaint at this stage, then the matter should progress to Stage 3.</p>
<b>FORMAL STAGE</b>	
<b>Stage 2 – COMPLAINT HEARD BY HEAD TEACHER</b>	
<p>The complaint is submitted to the Head teacher</p>	<p>Within <b>5 school days</b> the Head teacher will acknowledge receipt of the complaint and after investigation will provide a full written response to the complainant within <b>15 school days</b>.</p> <p>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 3.</p>
<b>Stage 2* - COMPLAINT HEARD BY CHAIR OF GOVERNORS</b> (if the complaint is about the Head teacher)	
<p>A written complaint is sent to the Chair of Governors</p>	<p>The Chair of Governors acknowledges receipt and provides a full written response within <b>15 school days</b>.</p> <p>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 4.</p>
<b>Stage 3 – INVESTIGATION BY THE CHAIR OF GOVERNORS</b>	
<p>Complainant writes to the Chair of Governors within <b>10 school days</b> of receiving the response confirming they remain dissatisfied and requesting further investigation of their complaint.</p>	<p>The Chair acknowledges receipt and provides a full written response within <b>20 school days</b>.</p> <p>If the complaint is not resolved at the stage, information us given on how to progress the complaint to Stage 4.</p>

#### Stage 4 – COMPLAINTS APPEAL PANEL (CAP)

Complainant writes to the Clerk of the Governing Board within **10 school days** of receiving the response, requesting an appeal to be heard by a Complaints Appeal Panel.

The Clerk will acknowledge receipt of the complaint within **3 school days** and will arrange for a CAP to meet within **20 school days**.

Once the CAP meeting has taken place, the Clerk will inform the Complainant of the outcome within 5 school days.

#### Final Stage - APPEAL

If the Complainant remains dissatisfied with the outcome, they have the right to refer their complaint to the Secretary of State

The Secretary of State may intervene if a Governing Board has acted unlawfully or unreasonably.

**NB:** Every effort will be made to meet the timescales stated but if it is not possible to meet them at **any** stage of the process the complainant will be contacted with an explanation and a revised date.



## Appendix 2 - Complaint Form

Please complete and return to Mrs Bradbury Headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b>  <b>Day time telephone number:</b>  <b>Evening telephone number:</b>
<b>Please give details of your complaint</b>
<b>What action has been taken so far (including staff member who has dealt with it) or solutions offered:</b>
<b>What actions do you feel might resolve the problem at this stage? What outcome are you expecting?</b>

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

**Signature:**

**Date:**

*Official use*

*Date acknowledgement sent:*

*By who:*

*Complaint referred to:*

*Date:*

**Appendix 3 - Complaint Tracker**

Complaint / Subject	Date original complaint received	Stage 2 – Formal Stage - Head teacher	Stage 2* – Chair of Governors (Complaint about Head Teacher)  Date request received:	Stage 3 – Investigation by Chair of Governors  Date request received:	Stage 3 – Complaint Appeal Panel  Date request received:	Action to be taken:  Use this column with dates to put latest progress, e.g.:	
		Who is dealing with?	Who is completing investigation?	Who is completing investigation?	Date panel to meet by:		
		Date response to be sent by:	Date response to be sent by:	Date response to be sent by:	Date of Panel:		
		Outcome:  Upheld because:  Not Upheld	Outcome:  Upheld because:  Not Upheld	Outcome:  Upheld because:  Not Upheld	Date papers to be received / sent:		Panel Chair:
		Embed letter / documents here	Embed letter / documents here	Embed letter / documents here	Panel Member:		Panel Member:
					Panel Outcome:		

**Appendix 3 - Complaint Tracker (Completed example)**

<b>Complaint / Subject</b>	<b>Date original complaint received</b>	<b>Stage 2 – Formal Stage - Head teacher</b>	<b>Stage 2* – Chair of Governors (Complaint about Head Teacher)</b>  <b>Date request received:</b>	<b>Stage 3 – Investigation by Chair of Governors</b>  <b>Date request received: 25/2/19</b>	<b>Stage 3 – Complaint Appeal Panel</b>  <b>Date request received: 11/3/19</b>	<b>Action to be taken:</b>  <b>Use this column with dates to put latest progress, e.g.:</b>	
Mr and Mrs 123 complaining about the lack of marking in daughter's homework book	1/2/19	<b>Who is dealing with:</b> Mrs ABC (HT)	<b>Who is completing investigation:</b>	<b>Who is completing investigation:</b> xx – Chair of Governors	<b>Date panel to meet by:</b> 29/3/19	11/3/19 – received complaint and contacted COG. Panel to be arranged – waiting for 2 dates from HT before contacting governors.	
		<b>Date response to be sent by:</b> 14/2/19	<b>Date response to be sent by:</b>	<b>Date response to be sent by:</b> 10/3/19	<b>Date of Panel:</b> 27/3/19		
		<b>Outcome:</b>  <b>Upheld because:</b>  <b>Not Upheld</b>  <i>No evidence to show that the homework book has not been marked.</i>	<b>Outcome:</b>  <b>Upheld because:</b>  <b>Not Upheld</b>	<b>Outcome:</b>  <b>Upheld because:</b>  <i>Partly upheld – investigation showed that on one occasion the escalation process wasn't correctly followed.</i>  <b>Not Upheld</b>	<b>Date papers to be received / sent:</b> Received 19/3/19 and send 20/3/19	<b>Panel Chair:</b> Governor 1	13/3/19 – HT given 2 dates – 26/3/19 and 27/3/19 – contacting governors with both dates to get a final date.
		<b>Embed letter / documents here</b>	<b>Embed letter / documents here</b>		<b>Panel Member:</b> Governor 2	<b>Panel Member:</b> Governor 3	14/3/19 – Governor 1,2,3 are available to do panel on 27/3/19. Advised complaint and HT via letter and all papers to be received by 19/3/19 at 5pm.
					<b>Panel Outcome:</b>	20/3/19 – sent all papers out.	

**Appendix 4 – Anti – Social Behaviour Record for Visitors to site**

**ANTI-SOCIAL BEHAVIOUR RECORD FOR VISITORS TO SITE**

**School Name:** \_\_\_\_\_

**Your Name:** \_\_\_\_\_

Time, date and duration of incident	Location of incident	Brief details of what happened	Who was involved?	Names and contact details of any witnesses	Were the police called?	How did this incident affect you? How do you feel?

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

***THIS INFORMATION MAY BE USED AS EVIDENCE IN LEGAL PROCEEDINGS***

## **Appendix 5 - Responding to Complaints: Guidance for Governing Boards**

This guidance is intended to be used together with the school's Complaints Procedures Policy to support the governing board with appropriately and professionally responding to complaints.

It also provides clarification of roles within the complaints management process and the areas of responsibility that the governing board has.

### **Responsibilities of the governing board**

The governing board must ensure that a written Complaints Procedures Policy is in place that has due regard to any guidance given by the Secretary of State published via the DfE.

The governing board must ensure the complaints policy is published on the school's website. The board should also make certain that the Complaints Procedures Policy meets the following criteria:

- ✓ The policy is written in simple terms and is easy to understand.
- ✓ The policy is impartial.
- ✓ The policy is non-adversarial
- ✓ The policy provides a process for a full and fair investigation.
- ✓ The policy, where appropriate and necessary, respects confidentiality.
- ✓ The policy provides a process that addresses all issues raised within the complaint.
- ✓ The policy provides a process for effective responses and appropriate redress, where appropriate.
- ✓ The policy provides details to signpost complainants to the school's SLT.

For federation schools, the federation's governing board must ensure a written complaints procedure is published on each of the member school's websites.

If a school does not have a website, its complaints procedure must be published on the appropriate organisation's website, e.g. diocese, or federation.

Academies are required to make available, on request, a written procedure for dealing with complaints – it is recommended in the 'Governance handbook' that this is published on the school website. The ESFA guidance 'Creating an academy complaints procedure' states that an academy's complaints procedure must comprise at least three stages:

- ✓ An informal stage – usually a meeting with the complainant
- ✓ A formal stage – where the complaint is put in writing
- ✓ Provision for a panel hearing

Complaints made against the head teacher in a maintained school should be responded to, and investigated by, the governing board. The governing board is also responsible for establishing a Complaint Appeal Panel (CAP) when previous stages of the Complaints Procedures Policy have been exhausted by the complainant and they remain dissatisfied with either the outcome or process undertaken.

## **The School Complaints Procedures Policy**

The Complaints Procedures Policy should include:

- Confirmation of what the school considers to be a complaint and what is considered to be a concern.
- Confirmation that a complaint can be made by anyone regarding the provision or facilities of the school.
- Signposts to the complaints process for procedures that have separate statutory procedures, e.g. admissions and exclusions.
- Details of how a complaint can be raised.
- Who to contact regarding a complaint about the head teacher.
- Who to contact regarding a complaint about the governing board.
- Details of how a complaint will be recorded.
- Timescales in which a complaint will be responded to.
- Details of the separate stages of the complaint process.
- Confirmation of the right for the complainant to request an independent review panel be convened and the circumstances in which this will be considered e.g. concerns about the impartiality of the review panel.
- How the school will respond to serial or persistent complainants.
- The procedure for an appeal, including the governing board review process.
- Information on the role of the school's complaint unit.
- Responsibilities and a timescale for reviewing the policy.

It is the responsibility of the governing board to determine the timescale for reviewing the Complaints Procedures Policy; the DfE recommends that an appropriate review period is every two to three years. The policy does not need to be reviewed by the full governing board, which can choose to delegate the review to a committee, individual governor or the head teacher.

### **Complaints against the Head Teacher**

The Complaints Procedures Policy should explain how a complainant can raise a complaint against the head teacher. It is recommended that complaints against the head teacher are, in the first instance, submitted to the chair of governors via the clerk to governors.

A complaint can be made in writing, by email, in person or by telephone, and to ensure equality, all routes should be accepted within the school policy. Any information provided by the complainant may only be shared with a third party if the complainant has given their written consent.

On receipt of the complaint, the chair of governors should respond to the complainant to acknowledge receipt of the complaint, identify who will be responsible for responding to the complainant and explain the timescale in which the complaint will be considered. It is recommended that this acknowledgment is sent via email or post to secure an audit trail for the complaint process. The complainant should be informed of the process for escalating their complaint at each stage of the Complaints Procedures Policy.

The chair of governors is usually the most appropriate person to respond to a complaint against the head teacher; however, if they have had any previous discussion with the head teacher regarding the pupil or issue the complaint relates to, in respect of a fair and impartial

investigation, they would be considered to be tainted and must remove themselves from the process. In this circumstance, the chair of governors should delegate the complaint investigation and response to another governor who has no prior knowledge of the issue, e.g. the vice chair of governors.

The response to a complaint against the head teacher should follow the Complaints Procedure Policy; this will usually include an initial stage where an informal meeting is held between the complainant, the head teacher and the governor responding to the complaint. The purpose of this meeting is to fully establish the circumstances of the complaint and attempt to resolve the issues raised. It is permissible for this stage to remain informal, but if the complainant wishes to escalate the complaint to follow the complaints policy's formal procedure, they must be provided this opportunity.

### **Investigating a Complaint**

The complaint investigation should be considered as an exercise to explore and determine the facts of a situation. It should be undertaken fairly, objectively and within a defined process. If it is deemed necessary by the investigating officer or governor panel to deviate from the written complaint procedures at any point during the process, this decision should be recorded in full, with an explanation provided.

The Advisory, Conciliation and Arbitration Service (ACAS) suggests the following process for conducting investigations:

#### **Preparation**

The investigator should prepare by drafting a plan to identify:

- ✓ Who they may need to speak to as part of the investigation process, e.g. the class teacher, the parent or pupil.
- ✓ Information needed for review during the investigation, e.g. email correspondence, school policies.

#### **The Investigation Meeting**

An investigation meeting is the opportunity for the governor investigating the complaint to meet separately with relevant parties to ask questions and, where possible, establish facts. It is not part of a disciplinary process. The Complaints Procedure Policy should indicate that any party attending an investigation meeting has the right to be accompanied by a friend or family member for support.

The DfE's ['Best practice guidance for school complaints procedures 2019'](#) recommends that legal representation is avoided for either party. An exception to this would be, for example, if a member of school staff is called as a witness in a complaint investigation or hearing, they may then be entitled to union or legal representation.

There is no requirement for an investigation meeting to be independently clerked; however, the governor investigating the complaint may ask the clerk to governors to make notes during the meeting and provide regulatory advice. In the absence of a clerk, the school's complaints co-ordinator may take notes and prepare minutes of the meeting.

At the end of the meeting, these notes can be signed and kept as an accurate record of it taking place. In the absence of a complaints co-ordinator, the investigating governor can make notes during the meeting and ask the person attending to sign the notes at the end of the



meeting. Any notes or meeting minutes should be protected and maintained in line with the school's Data Protection Policy.

If pupils are to be invited to an investigation meeting, parental consent must be granted for any pupil under the age of 18 and they should be given the opportunity to be accompanied by a friend, relative or staff member independent of the investigation. The meeting should be conducted with due sensitivity and consideration of the pupil's age and level of understanding.

### **The investigation report**

The investigation report should summarise the investigation process and include:

- ✓ The name and role of the investigating governor.
- ✓ The date and timescale of the investigation.
- ✓ A summary of the complaint received.
- ✓ A summary of the investigation process undertaken.
- ✓ The evidence collected and considered.
- ✓ The details of any evidence requested but not produced or unavailable.
- ✓ The names of all people interviewed during the investigation meeting(s).
- ✓ The details of any anonymised statements submitted and considered
- ✓ A summary of the investigation findings, to include:
- ✓ A summary of evidence collated during the investigation meeting(s).
- ✓ The established facts based on evidence collated.
- ✓ A summary of any mitigating circumstances or factors.
- ✓ Any other information considered to be relevant.
- ✓ A concluding statement, including the investigator's decision to uphold, uphold in part or to dismiss the complaint
- ✓ Any recommendations arising from the investigation.
- ✓ Any further right of appeal.

The DfE's '[Best practice guidance for school complaints procedures 2019](#)' guidance suggests that the investigating officer should ensure that each decision made in response to a complaint is made in consideration of '***The 7 principles of public life***' which are:

<b>Selflessness:</b>	Holders of public office should act solely in the public interest
<b>Integrity:</b>	Holders of public office should not place themselves under external obligations that could influence their public duties
<b>Objectivity:</b>	Holders of public office should make public appointments based on merit
<b>Accountability:</b>	Holders of public office are accountable to the public for their actions
<b>Openness:</b>	Holders of public office should be open in their decision making
<b>Honesty:</b>	Holders of public office must declare any private interest that could impact on their public work
<b>Leadership:</b>	Holders of public office should promote these principles through leading by example

and is:

- ✓ Lawful.
- ✓ Rational.
- ✓ Reasonable.
- ✓ Fair.
- ✓ Proportionate.

The investigation report should be shared with the complainant and the head teacher; with information given on the next stage of the complaint process should the complainant not be satisfied with the outcome of this stage. The information recorded within the investigation report should be protected and maintained in line with the school's Data Protection Policy.

The next stage of the process is for a governing board review to be convened to consider the complainant's appeal against the decision made by the investigating governor. It should be noted that, in the circumstance of a complaint made against the head teacher, some complaints procedures policies will not include the complaint investigation stage but will move straight from the informal meeting at stage one to the governing board review. Guidance is that the complaint investigation stage is completed in all cases, but that the Chair of Governors undertakes this role in relation to complaints concerning the Headteacher. Governing boards should always work within the current policy in place.

### **Governing Board Review**

When a complainant is not satisfied with the outcome of the investigation stage, the next stage of the process is the governing board review.

This meeting can either be convened in the event of a complaint against the head teacher or as part of the appeal process for a complaint that has exhausted all previous stages of the complaints procedure. Notice of the meeting must be given in writing to all parties and in line with the timescales documented in the Complaints Procedures Policy.

A governing board review involves at least three members forming a Complaint Appeal Panel (CAP). Governors who are members of the CAP must have no prior knowledge of the complaint and no conflict of interest, including financial interest, which may prevent them from acting with impartiality. A panel of a minimum of three members is recommended to ensure a decision can be made in the event of a split decision and a vote being required. The clerk to governors should be in attendance to take notes / minutes of the meeting.

The complainant has the right to request that an independent CAP hear the appeal if they have cause to believe that the panel is not impartial or cannot be objective. It is the responsibility of governors to decide to uphold or reject the request. If governors do allow for an independent panel to be convened, they may approach the LA, the diocese, governors from local schools or, in an academy, a trustee or director to provide members for the panel. It is acceptable to pay for the services of an independent chair for the meeting to ensure impartiality and objectivity on the panel.

During the Complaint Appeal Panel meeting it is usual for all parties to be present: each party should be given the opportunity to challenge the evidence presented. If the issues are sensitive or confrontational, a decision should be made about whether this is appropriate in any given case. At the end of the meeting, all parties should be given the opportunity to make a final statement.

If a witness is unable or unwilling to attend the governing board review meeting, their evidence can be presented in writing. In order to secure a fair process, the whole panel should seek to meet the witness. If this is not possible, then the panel should ensure they agree on questions in advance for the representative panel governor to relay and make certain that all meetings are noted.

Once the meeting has finished, the panel should retire to consider all of the evidence available to them. The clerk will remain present to provide procedural advice and guidance and administrative support. The panel will reach an agreement and agree on the wording of the outcome letter.

The complainant must not be informed of any disciplinary action taken against the head teacher or any other member of staff as a result of the complaint, but should be told that the matter is being addressed.

The outcome letter should also include any further right of appeal the complainant may have.

If the complainant has exhausted a maintained school's complaint procedure, they must be advised that they have the right to refer the complaint to the Secretary of State for Education using the DfE complaints form, or in writing to the address provided in the complaint outcome letter.

### **Sharing Complaints with the Governing Board**

Transparency in governance is important but, when it comes to managing and responding to complaints initially, the head teacher or chair of governors must only share details of complaints received with the rest of the governing board on a 'need-to-know' basis.

It is vital that governors remain impartial and untainted in case of any appeal arising and the need for a Complaint Appeal Panel (CAP) to be formed. Whilst governors may know that a complaint has been received and is being investigated, they should not be given any further details. If all governors are made aware of the nature of a complaint, an independent investigation into the complaint should be organised by the clerk to governors.

Once the complaint process has been completed, the governing board can be told that the process is complete and whether the complaint was dismissed or upheld.

### **Monitoring Complaints**

Governors should have an oversight of the number of complaints the school receives and should expect to see details of the number of complaints received and investigated by the school and governing board. This can be included as a regular item within the head teacher's report to the full governing board. Governors can then ask questions and identify trends and establish how many complaints proceed to the appeal stage and the effectiveness of the Complaints Procedures Policy.

It is recommended the governing board undertake a monitoring visit to review the complaint log and use a resolved complaint as a case study to monitor practice in line with the school development plan.

## **Complaints against the Governing Board**

The governing board should ensure that any complaint made against an individual governor, including the chair of governors, is made to the clerk to governors. The clerk should ensure that an impartial governor is appointed to investigate the complaint in line with the school complaints policy.

If a complaint is made against the whole governing board, the clerk may request that an independent governor from another school investigates the complaint. If the complaint reaches stage 4 of the school's complaints procedure, an independent panel made up of governors from schools with which the school has a Joint Hearings Panel agreement in place may be convened to hear the complaint.

If a complaint is made against the whole governing board then it is appropriate to inform all governors of the nature of the complaint. This will ensure a fair process and enable governors to be able to respond to the complaint investigation.

### **The Next Step**

When a complaint has been resolved or the process exhausted, all paperwork related to the complaint should be stored by the head teacher or chair of governors in line with the school's Record Management Policy and in line with the school's Data Protection Policy. Any papers that are given to CAP members should be returned to the Clerk to Governors who will ensure they are securely disposed of.

## **Complaints made to Ofsted**

Ofsted provides an online complaint form for anyone wishing to complain about a service or provider that it inspects or regulates.

Ofsted advises complainants they should initially raise any issues with the school by following the school's written complaint procedures and reserves the right to dismiss complaints which have not followed this process.

Ofsted will only consider complaints that relate to the whole school and will not consider any complaint which:

- ✓ Relates to an individual pupil or a specific incident
- ✓ Asks the inspectorate to judge how well a school has responded to a complaint
- ✓ Requests mediation or dispute resolution
- ✓ Has an alternative legal complaint process, e.g. complaints about pupil admissions

The 'Governance handbook' explains that Ofsted will use its powers to investigate a complaint received from a parent as part of its inspection decision-making process.

The governing board and senior leaders must provide Ofsted with any information requested for the purpose of the investigation and any other information that may be relevant to the complaint investigation.

If appropriate to the complaint investigation, Ofsted may arrange to meet with the complainant; representatives from the LA and governing board are also entitled to attend this meeting.

Depending on the outcome of the investigation, Ofsted may prepare a report following the conclusion of its investigation. If a report is received, the school must share this with the governing board who must ensure the report is sent to all registered parents of the school.

## **Appendix 6 - Where the Complaint is about the Actions of an Individual Governor**

For complaints against the Chair of Governors, or any other individual governor, the Complainant should briefly outline the content of the complaint using the Complaint Form (see *Appendix 2*). The Complaint Form should be sent to the Clerk, via the school office.

The Clerk to Governors will acknowledge receipt of the complaint within **5 school days** and initiate the process.

A suitable skilled governor will be appointed to complete all the actions at Stage 2 - Formal Complaint.

The appropriate governor will consider the complaint and write to advise the complainant of the outcome within **10 school days**. There will be no further internal right of appeal for complaints against individual governors.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing board or
- the majority of the governing board;

Stage 2 - Formal Complaint will be considered by an independent investigator appointed by the governing board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Park Hill Thorns Federation will take to resolve the complaint.

Where the Complainant is unhappy about the decision the Chair of Governors or Investigating Governor has made about their complaint, this does not become a complaint about the Chair of Governors / Investigating Governor, however, the Complainant will be advised of their entitlement to take their original complaint to the next stage by writing to the Clerk to the Governing Board via the school office within **5 school days** of receipt of the Stage 2 - Formal Complaint response and requesting that a Stage 4 - Complaint Appeal Panel (CAP) is convened.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

A panel will be convened to complete all the actions at Stage 4 - Complaint Appeal Panel (CAP).

An experienced governor will convene the CAP meeting which will comprise of:

- Three members of the governing board.

The independent Complaint Panel member will be the Chair of the Complaint Panel

## **Appendix 7 - Governor Complaint Appeal Panel Meeting Process**

### **Before the Complaint Appeal Panel Meeting**

A copy of the agenda together with the complaint and all papers should be sent to the Complaint Appeal Panel members at least **5 school days** before the meeting.

Each member must read the papers to check that they have no significant involvement with the case under consideration but should not discuss it with anyone else. If they need to withdraw from the panel, they should inform the Clerk immediately so that a substitute can be arranged.

### **Practical Arrangements**

The tone of the meeting is often set by what happens when the complainant first arrives. Therefore, it is worth the Chair considering the following:

- ✓ What time will participants be asked to arrive?
- ✓ Who will greet participants when they arrive?
- ✓ Will anyone wait with them?
- ✓ Where will other people wait? (Separate rooms for complainants and school representatives is advisable).
- ✓ Will there be any refreshments provided?
- ✓ Where will the meeting take place?
- ✓ How will the meeting room be arranged? (Small informal arrangements are usually best)
- ✓ What route will the complainant and school representatives take to the meeting room?

### **The Meeting**

A model agenda is attached in Appendix 9

The same rules apply as for other committee meetings of governors. For example, governors are not bound to accept tabled papers and may adjourn if they feel that they need time to consider an unexpected issue, including procedural issues.

### **Panel Chair's Role**

During the meeting

- ✓ Take control of the meeting with confidence; use their judgement to move the meeting on when necessary and aim towards a resolution by coming to a conclusion on the written and oral evidence presented at the meeting.
- ✓ Convey to all concerned that as Chair you are acting impartially by treating all participants fairly.
- ✓ The complainant and the Head teacher (with their friends/advocates) should be invited into the room together and at the end of the meeting will be asked to leave together.
- ✓ At the discretion of the Chair witnesses should be invited to join the meeting when their input is required and to leave immediately afterwards.
- ✓ Having ascertained the names of all those waiting outside the meeting room, start the meeting by agreeing with the panel members who should be invited in to speak to the

committee and in what order; at no time should the complainant, Head teacher or a witness be able to talk to panel members without both the complainant and Head teacher being present; these arrangements may have to be modified if one or more of the parties have absented themselves from the meeting.

- ✓ If witnesses are waiting, the Chair should try to ensure that they are called in due course if required or sent home early if it becomes apparent that they will not be seen.
- ✓ Once the main participants have joined the meeting, explain the proceedings.
- ✓ Begin to hear the complaint, being firm about keeping to the agenda and reminding participants as necessary about the procedure, e.g. if interruptions occur.
- ✓ Bear in mind that all participants will be under stress; be fair and consistent in the treatment of all participants.

### **Explaining the proceedings**

- ✓ Introduce the people around the table.
- ✓ Confirm that everyone has a copy of the agenda and explain the meeting will follow the agenda.
- ✓ Make it clear that although the meeting will be as informal as possible, it is intended to keep to the agenda to allow everyone to have a fair hearing.
- ✓ Explain that the format is to allow the complainant to speak without interruption and then the Head teacher and Panel Members will be given the opportunity to ask any questions to clarify any issues raised; then the Head teacher's response will be heard, again without interruption and there will be an opportunity for the Panel Members and the complainant to ask any questions about what has been said.
- ✓ Indicate any time limits to adhere to.

### **Concluding the discussion**

- ✓ It is important that all the participants feel that they have had every opportunity to be heard but if they are beginning to repeat themselves at the "further questions or points" stage, move the meeting on by proceeding to the summing up. The complainant and head teacher should then be invited to sum up if they wish but if the issues are clear, formal summing up may not seem to be appropriate
- ✓ Confirm the arrangements for the participants to receive the decision of the meeting.
- ✓ Write down the decision of the committee so this can be accurately recorded in the minutes.

### **At the end of the Complaint Appeal Panel Meeting**

- ✓ The Chair will thank all parties for attending and advise that the Panel Members will now meet to review the evidence they have heard and read, and they will make their decision.
- ✓ Confirm that both parties will receive a decision letter within **3 school days**.
- ✓ The chair will ask the Clerk to escort both parties out of the room, the complainant to reception and the school staff to the staff room / Head Teacher's office



### **The Decision Letter**

- ✓ The Clerk to the Complaint Appeal Panel should send a copy of the decision letter to the complainant and head teacher.
- ✓ It is usual for all documents relating to a complaint to be kept confidential.

### **After the meeting**

- ✓ The chair of the Complaint Appeal Panel meeting should receive a copy of the notes / minutes for confirmation and approval.

## Appendix 8 - Model Complaint Appeal Panel Agenda

A Hearing by the Complaint Appeal Panel of Park Hill Thorns Federation will be held at  
<Venue> on <day and date> at <time>

The order of business for the Complaint Appeal Panel meeting is set out below:

1. Introductions
2. The Chair to outline the procedure
3. <Name of complainant> to explain his/her complaint
4. The Head teacher and Complaint Appeal Panel Members to ask questions
5. Head teacher to explain the school's response
6. <Name of complainant> and Panel Members to ask questions
7. The Head teacher to make a statement in summary
8. <Name of complainant> to make a statement in summary
9. Summing up by the Chair
10. <Name of complainant> and Head teacher escorted from the meeting room
11. Except for the Panel Members and the Clerk everyone will leave the meeting room whilst the Complaint Appeal Panel Members consider their decision in private

Written notice of the decision will be sent to <Name of complainant> and the Head teacher within **3 school days** of the meeting.

Enc: List all the enclosures to accompany the agenda e.g.:

- a) A copy of the school's complaints procedure
- b) A copy of the original complaint
- c) Copies of letters between <Name of complainant> and the school in connection with the complaint
- d) Copy of written submissions from <Name of complainant> and the Head teacher

## **Appendix 9 - Interviewing Best Practice Tips**

### **Interviewing Children / Young People**

- Children / young people should be interviewed in the presence of another member of staff, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents / carers. However, it may not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children / young people should be told what the interview is about and that they can have someone with them.

### **Interviewing Staff / Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it
- Staff are allowed a colleague to support them at their interview. The colleague must ensure the child / young person's best interests and should not be anyone likely to be interviewed themselves, including their line manager
- Use open, not leading questions
- Do not express opinions in words or attitude
- Ask single, not multiple questions, i.e. one question at a time
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator, head teacher, chair of governors the option of a meeting between the conflicting witnesses
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if he / she has anything to add and to sign the record as accurate.