



Complaints Policy

2020-2023

A handwritten signature in black ink, appearing to be "J. H. H.", is written above a horizontal line.

CEO SIGNATURE

A handwritten signature in black ink, appearing to be "J. H. H.", is written above a horizontal line.

CHAIR OF TRUST BOARD SIGNATURE

7.1.21

DATE

3 years or on updates

NEXT REVIEW DATE



Contents

1. Aims.....	4
2. Legislation and guidance.....	4
3. Definitions and scope.....	5
4. Principles for investigation	6
Complaints about our fulfilment of early years requirements	6
Complaints received outside of term time	7
5. Stages of complaint (not complaints against the Headteacher(HT)/Head of School(HOS) or Governors)	7
Stage 1: informal	7
Stage 2: formal	8
Stage 3: review panel	9
6. Complaints against the HT/HOS, a Governor or the Local Governing Board(LGB)	11
7. Referring complaints on completion of the Trust’s procedure	12
8. Persistent complaints.....	13
Unreasonable and persistent complaints	14
Vexacious complaints.....	16
When to stop responding.....	16
Duplicate complaints.....	17
Complaint campaigns.....	17
Withdrawal of a complaint.....	17
9. Record-keeping	18
10. Learning lessons.....	18
11. Monitoring arrangements.....	18
12. Scope of the Complaints Procedure	19
Appendix A – model complaint form.....	20
Appendix B - Roles and Responsibilities	22
Complainant	22



Investigator	22
Complaints Co-ordinator	23
Clerk to the Local Governing Board / Trust Board	23
Panel Chair	24
Panel Members	24



1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents or carers of pupils at the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Each school in our Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on each school's website.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).



In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

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 Trust will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs and disabilities (SEN)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Staff grievances
- Staff discipline*

Please see our separate policies for procedures relating to these types of complaint.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.



Arrangements for handling complaints from parents of children with SEND about the relevant school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENDCo); they will then be referred to this complaints policy. Our SEND information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than **3 months** afterwards, or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of 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 complainant of the outcome within 28 **school** days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.



Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at:

<https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

5. Stages of complaint (not complaints against the Headteacher(HT)/Head of School(HOS) or Governors)

At each stage in the procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that we will try to ensure the event complained of will not recur;
- An explanation of the steps that have been or will be taken to ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- An undertaking to review school policies in light of the complaint;
- An apology.

Stage 1: informal

Each school in our Trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant (or a third party acting on their behalf, as long as they have appropriate consent to do so) should raise the informal complaint as soon as possible with the relevant member of staff or the HT/HOS, either in person or by letter, telephone or email. If the



complainant is unclear who to contact or how to contact them, they should contact the school office.

If the complainant has difficulty discussing a concern with a particular member of staff, the HT/HOS will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the HT/HOS will refer the complainant 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.

The School will acknowledge informal complaints within 14 school days, and investigate and provide a response within 20 school days. If this latter deadline is unable to be met, the HT/HOS/investigating officer will provide the complainant with an update and revised response date.

The informal stage will involve a meeting between the complainant and the HT/HOS and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure (review panel).

Stage 2: formal

The formal stage involves the complainant putting the formal complaint to the HT/HOS and/or the subject of the complaint via the school office **in writing** either via a letter or email marked "Private and confidential."

If the complaint is about the HT/HOS, a Governor or the Local Governing Board, please go to Section 6.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.



The School will not normally investigate anonymous complaints. However, the HT/HOS or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

The HT (or other person appointed by the HT for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. If this deadline is unable to be met, the HT/HOS/investigating officer will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made by the HT/HOS/investigating officer and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Local Governing Board (LGB) in writing within 14 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Stage 3: review panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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 on the basis of written submissions from both parties.

At least 5 school days before the meeting, the Clerk will:



- Confirm and notify the complainant 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; and
- Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. ***At least 1 panel member must be independent of the management and running of the School.*** The panel cannot be made up solely of Governors, as they are not independent of the management and running of the School.

Prior to the meeting, the panel will decide among themselves who will act as the Chair of the complaints committee. If there are fewer than 3 Governors from the school available, the Clerk will source any additional Governors from across the Trust as required in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at this stage.

The panel will have access to the existing record of the complaint's progress (see section 9). The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the School, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a friend/relative if they wish. The Headteacher (or other investigating officer if not the Headteacher) is entitled to have a friend or colleague accompany them to the meeting with prior approval by the Chair of the panel.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.



The panel 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 Stage 1 of the procedure.

The panel, the complainant and the School representative(s) will be given the chance to ask and reply to questions. Once the complainant and School representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the School and HT.

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part; or
- Dismiss the complaint in whole or in part.

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

- Decide on the appropriate action to be taken to resolve the complaint; and
- Where appropriate, recommend changes to the School's systems or procedures to prevent similar issues in the future.

The School will inform those involved of the decision in writing within 5 school days.

Options in the event the complainant remains dissatisfied with the outcome are detailed in Section 7: Referring complaints on completion of the Trust's procedure.

6. Complaints against the HT/HOS, a Governor or the Local Governing Board(LGB)

Complaints made against the HT should be directed to the Chair of the Local Governing Board.

*Complaints made against the HT will be investigated by the Chair of Governors. Response timescales will reflect those detailed in Section 5. If the complainant remains unsatisfied, the complainant must write to the Clerk of the LGB who will convene a panel of 3 members, **one of whom must not be a Governor**. The panel will follow the format laid out in section 5, Stage 3.*



Where a complaint is against the Chair of the LGB, any member of the LGB, or the entire LGB, it should be made in writing to the Clerk to the LGB in the first instance.

Where the complaint is about a Governor other than the Chair, the Chair of the LGB will investigate in the first instance. Response timescales will reflect those detailed in Section 5. The panel will follow the format laid out in Section 5, Stage 3.

Where the complaint is about the Chair, the Vice-Chair of the LGB will investigate and report back to the complainant. If the complainant remains unsatisfied, the Vice-Chair will ask the Clerk to convene a panel of 3 members. The panel will follow the format laid out in Section 5, Stage 3.

7. Referring complaints on completion of the Trust's procedure

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by St Bartholomew's CE Multi Academy Trust or any of the schools within the Trust. They will consider whether the School/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

The ESFA will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure



- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA will inform the complainant that they are not able to:

- overturn the governing body's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

8. Persistent complaints

Where a complainant tries to re-open the issue with the School after the complaints procedure has been fully exhausted and the School has done everything it reasonably can in response to the complaint, the Chair of the LGB (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the School again about the same issue, the School can choose not to respond. The normal circumstance in which we will not respond is if:

- The School has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the School position and their options (if any), *and*
- The complainant is contacting the School repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The School will be most likely to choose not to respond if:



- We have reason to believe the individual is contacting the School with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the School has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The School will ensure when making this decision that complainants making any new complaint are heard, and that the School acts reasonably.

Unreasonable and persistent complaints

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our Trust's schools.

However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Our Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the School/Trust, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to cooperate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information that they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;



- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; and/or
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the HT/HOS or Chair of the LGB will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the HT/HOS will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the School, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the School/Trust can implement a tailored communication strategy. For example, we can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term



However, regardless of the application of any communication strategy, the School/Trust must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence, as detailed in the Trust's Data Protection Policy. All requests for FOI and DP information should be sent via email to the Trust's Data Protection Officer: dpo@stbartsmat.co.uk.

The School/Trust will act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time.

The School/Trust may also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

If an individual persists to the point that may constitute harassment, the School/Trust will seek legal advice. In some cases, injunctions and other court orders may be requested.

Once the School/Trust has decided that it's appropriate to stop responding, the individual will be informed.

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 the School.

Vexacious complaints

The DfE defines vexacious complaints as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

When to stop responding

The decision to stop responding should never be taken lightly. We will stop responding to complaints if we can demonstrate:



- The School/Trust has taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of the School's/Trust's position and their options
- the complainant contacts the School/Trust repeatedly, making substantially the same points each time

The case to stop responding is stronger if the School/Trust agrees with one or more of these statements:

- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive
- the complainant makes insulting personal comments about or threats towards staff
- the School/Trust has reason to believe the individual is contacting the School/Trust with the intention of causing disruption or inconvenience

The School/Trust will not stop responding just because an individual is difficult to deal with or asks complex questions.

Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this School, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

Where the School receives a large volume of complaints about the same topic or subject, the School may respond to these complaints by:

- Publishing a single response on the School website
- Sending a template response to all of the complainants

If complainants are not satisfied with the School response, or wish to pursue the complaint further, the normal procedures will apply.

Withdrawal of a complaint

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



9. Record-keeping

The School 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 phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

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 a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, 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 retention policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole LGB in case a review panel needs to be organised at a later point.

Where the LGB is aware of the substance of the complaint before the review panel stage, the School/Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the LGB as appropriate, who will not unreasonably withhold consent.

10. Learning lessons

The Chair will review any underlying issues raised by complaints with the HT, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust Board will track the number and nature of complaints, and review underlying issues as stated in section 10.



The complaints records are logged and managed by the HT/HOS in each school.

This policy will be reviewed by the CEO every 4 years (or upon notification of legislative updates).

At each review, the policy will be approved by the Trust Board.

12. Scope of the Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by each of the Trust's, other than complaints that are dealt with under other statutory procedures, including those listed below:

- Safeguarding and Child protection Policy
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy (where applicable) and information report
- Privacy notices

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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



Appendix A – model complaint form

Please complete and return to the school office in a sealed envelope marked as follows:

- For complaints about anyone/thing other than the Headteacher: **“Private and confidential – for the attention of the Headteacher”**
- For complaints about the Headteacher: **“Private and confidential – for the attention of the Chair of Governors”**

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?



--

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

--

Signature:

--

Date:

--

Official use

--

Date acknowledgement sent:

--

By whom:

Complaint referred to:

--

Action taken:

--

Date:



Appendix B - Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- 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.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal



- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(this could be the head teacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, Chair of Governors or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Local Governing Board / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings



- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Panel Chair

The complaints panel chair, who is nominated in advance of the complaint meeting, should 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
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- 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.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Panel Members

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so



No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise 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.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.