**DEALING WITH SCHOOL / ACADEMY COMPLAINTS**

**A TOOLKIT INCORPORATING:**

**A MODEL POLICY, A MODEL PROCEDURE AND GUIDANCE**

1. **Introduction:**
	1. The purpose of this paper is to present governors with a ‘complaints toolkit’, which can be used to review the Governing Body’s current complaints policy and procedure.
	2. It is the Governing Body’s responsibility to determine how often the complaints procedure is reviewed. The Department of Education (DfE) suggest it is good practice for the procedure to be reviewed regularly; every two to three years being typical. This will enable the school / academy to take into account any new guidance issued by the DfE or any legislative changes. The latest Best Practice Guidance for School Complaints Procedures was issued in March 2019 and the enclosed toolkit reflects this – it was last updated on
2. January 2021 to reflect actions required during the Coronavirus pandemic.
	1. Every school / academy or academy will operate differently therefore the enclosed toolkit presents governors with recommendations which can be adapted to meet your school / academy / academy’s particular circumstances.
3. **Background:**
	1. Both maintained schools and academies are required to have complaints procedures.

The complaints procedures are governed by different regulations and guidance, which are summarised below:

* + 1. **Maintained Schools:** In accordance with [Section 29 of the Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/29), all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school / academy and to any community facilities or services that the school / academy provides, for which there are no separate (statutory) procedures. Governing Bodies of maintained schools must ‘have regard to any guidance given from time to time (in relation to England) by the Secretary of State’ when establishing and publishing complaints procedures relating to their school / academy and any facilities or services the school / academy provides.
		2. **Academies:** All academies must have a complaints procedure. This must meet the standards set out in the [Education (Independent School Standards (England) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/3283/schedule/made) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils. The procedure must be made available on request to parents; it is recommended that it be published online and made available to anyone who requests it. More guidance is available via the Education and Standards Funding Agency (ESFA).
		3. The model policy and model procedure meet both the requirements for academies and maintained schools. However, academy governors are advised to consider their Articles of Association and Scheme of Delegation which may also need to be taken into account when reviewing their complaints policy.
1. **Information about the Toolkit:**
	1. The toolkit has four distinct parts, which are summarised below:
		1. **Part 1: About the Toolkit.** This part describes the purpose, structure and scope of the toolkit.
		2. **Part 2: General Information.** This part offers important information which governors need to be aware of when reviewing the complaints process.
		3. **Part 3: Model Complaints Procedure and Policy.** This part offers a model policy for governors to adapt. A policy is defined as a statement outlining the way in which an organisation intends to conduct its affairs and act in specific circumstances. The model policy confirms, in summary:
		* all complaints will be investigated;
		* arrangements will be in place to ensure a complaint is investigated fairly, impartially and in a timely way;
		* where possible, complaints will be resolved informally; and
		* when requested by a complainant, a panel of governor will review the complaint.

The DfE states that the duty to establish procedures for dealing with complaints lies with the governing body. If you choose to adopt the Local Authority model policies, you must tailor them to your individual school / academy. The DfE also recommend that the Governing Body incorporate a serial complaints policy into your complaints procedure.

A procedure is defined as a course of action, with a start and finish point that should be followed. The model complaints procedure comprises of the following two stages, in summary:

**Stage 1:** A complaints Co-ordinator will be appointed within school with the responsibility for overseeing the complaint process (they may delegate duties, for example carrying out an investigation). The Complaints Co-ordinator will try to resolve the matter informally. If the matter cannot be resolved through preliminary fact finding and discussion, the matter may need to be investigated more formally. If the complainant is dissatisfied with the outcome of Stage 1, they may proceed to Stage 2.

**Stage 2:** Where a complaint has not been resolved under Stage 1, the complainant may ask the matter to be reviewed by a panel of governors. It is recommended that the terms of reference of the panel for a review are:

*“The panel of three governors have the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint”*

1. **Part 4: Model Literature.** This section provides model letters and text which can be used for a parent friendly leaflet.
2. **Timing:** A complaints procedure will have well-defined stages that explain the action to be taken, when it should be taken and who will be involved. Flexibility should be built in to the procedure as further investigations may be required. Each stage of the procedure should have known time limits and complaints should be resolved at the earliest opportunity.

Where it is not possible to meet timescales, progress information must be given to the complainant. The DfE states, “*3 months to be an acceptable time frame in which to lodge a complaint.**Additional time can be given in exceptional circumstances*”.

Governors should decide what time limits best suits their school / academy’s circumstances, taking into account the DfE’s advice.

1. **Issues for Consideration:**
	1. The DfE advise that the responsibility for reviewing complaints procedures may be delegated to a committee of the Governing Body, an individual governor or the Headteacher.
	2. When amending a policy or procedure, governors need to have regard to the use of language, in particular words such as “should” and “must”.
		* + **“Should”:**  The DfE state, “*Where a [complaints] policy states that a school / academy ‘should’ do something which they then choose not to do, if escalated to the DfE for further consideration, the school / academy may be asked to provide a written explanation for the reasons why they deviated from best practice*.”
			+ **“Must”:** If a policy uses the words ‘must’, then the school / academy is required to carry out the action referred to in the policy.
	3. Having read the toolkit, the Governing Body is asked to consider the following:
		* + **Policy:** Whether governors wish to review their current policy to include elements contained within the toolkit’s model policy.
			+ **Procedure:** Whether governors wish to review their current procedure to include elements contained within the toolkit’s model procedure.
			+ **Guidance and documentation:** Whether governors wish to approve the guidance and documentation contained in the toolkit, to support individuals involved in dealing with complaints.

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**References:**

1. The Education (Independent School Standards) Regulations 2014 No. 3283

<http://www.legislation.gov.uk/uksi/2014/3283/schedule/made>

1. ESFA (2015) Guidance: Creating an academy complaints procedure. Updated 27 January 2015

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

1. <http://www.legislation.gov.uk/ukpga/2002/32/section/29>
2. Best Practice Guidance for School Complaints Procedures 2019. Updated 28 March 2019

[https://www.gov.uk/government/publications/school / academy-complaints-procedures/best-practice-advice-for-school / academy-complaints-procedures-2019](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019)

 **DEALING WITH SCHOOL / ACADEMY COMPLAINTS**

**(Updated September 2021)**

A toolkit incorporating:

* Updated information on school / academy / academy complaints
* Practical guidance for dealing with complaints
* Model complaints policy and procedure
* Model Literature

**Contents:**

|  |  |  |
| --- | --- | --- |
| **Part 1:** | **About this toolkit** | **3** |
|  |  |  |
| **Part 2:** | **Guidance** | **4** |
|  |  |  |
| **Part 3:** | **Model Policy and Procedure** | **23** |
|  |  |  |
| **Part 4:** | **Model Literature** | **36** |
|  | **Sample Leaflet** |  |
|  | **Sample Informal Meeting Outcome Letter** |  |
|  | **Sample Outcome of Investigation Letter** |  |
|  | **Sample Agenda for Review Panel** |  |
|  | **Sample Checklist of Actions** |  |

**Part 1: About this toolkit**

1. **Introduction and structure of document**
	* 1. The aim of this toolkit is to provide governors with the necessary information so they can review their current complaints policy and procedure to identify whether updates are required.
		2. This document provides a revised model complaints **policy and procedure** plus updated **guidance** for dealing with school / academy complaints and model **literature**. The following summarises the difference between these key elements:
			1. **Guidance** **Guidance** is general information for individuals who are

 tasked with dealing with the administration of a complaint.

 Complaints guidance is provided in **Part 2** of this

 document.

* + - 1. **Policy/Procedure** A **policy** is a summary of the approach the Governing Body of

governors will take in handling concerns and complaints; a **procedure** describes how complaints are actually dealt with. A model policy and procedure is provided in **Part 3** of this document, which governors can adapt to suit their school / academy / academy’s needs.

1. **Model Literature** The model literature section on **Part 4** provides letter

templates and text which can be used for a parent friendly leaflet plus guidance on managing a complaint against a governor.

* 1. **Scope of Document**
		1. This document is not intended to cover those matters for which there are specific statutory processes to object, complain or appeal. These include, for example, safeguarding issues, staff discipline, special needs assessments, information complaints, school / academy/academy admissions or exclusions.
		2. **Maintained Schools:**  This toolkit reflects changes in DfE policy and has been developed in response to DfE guidance, [Best Practice Guidance for Schools Complaints Procedures 2019](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019). The DfE’s document is non statutory guidance for maintained schools to share best practice and help schools avoid common pitfalls.

**Academies:** The requirements for academies differ to maintained schools therefore academy governors are advised to read this document alongside your Articles of Association, Scheme of Delegation and the following:

* [The Education (Independent School Standards) Regulations (2014)](http://www.legislation.gov.uk/uksi/2014/3283/schedule/made)
* [ESFA (2015) Guidance: Creating an Academy Complaints Procedure (Updated 2015)](https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure)
* [ESFA (2013) Procedure for Dealing with Complaints about Academies](https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy)
	+ 1. It should be noted that the DfE recommends that governing bodies of maintained schools ensure that any third party providers offering community facilities or services through the school / academy premises, or using schools facilities, have their own complaints procedures in place.

**Part 2: Guidance**

1. **Introduction**

In accordance with [Section 29(1) of the Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/29), all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their individual setting. All schools / academies must also have procedures to deal with complaints relating to any community facilities or services that the school / academy provides, for which there are no separate (statutory) procedures.

This guidance has been produced to:

* share and encourage best practice
* help schools avoid common pitfalls

There is a difference between ‘legal requirement’ and ‘good practice’. In this guidance, we use:

* must - where a school / academy has a legal duty to do (or not do) something
* can - where a school / academy has a legal power (not a duty) to do something
* should - for guidance on best practice

Under Section 29(2) of the Education Act 2002, governing bodies of maintained schools must ‘have regard to any guidance given from time to time (in relation to England) by the Secretary of State’ when establishing and publishing complaints procedures relating to their school / academy and any facilities or services the school / academy provides.

The phrase ‘must have regard’, when used in this context, does not mean that this guidance has to be followed in every detail. While expectations are that schools will adopt best practice recommendations, schools can apply alternative processes if they have good reason to.

1. **Model policies**

We have provided a model policy / procedure in **Part 3** which you may find helpful.

The duty to establish procedures for dealing with complaints lies with the governing body. If you choose to adopt our model policy and procedures, you **must** tailor them to your school / academy and ensure that it is easily accessible and publicised, for example on the school / academy website.

It is recommended that you also incorporate a serial complaints policy into your complaints procedure.

* 1. **The difference between a concern and a complaint**

A ‘concern’ may be treated as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be generally recognised as ‘an expression or statement of dissatisfaction however made, about actions taken or a lack of action’.

*If anyone working in the school or college that provides education for children under 18, including supply teachers and volunteers has;*

* *Behaved in a way that has harmed a child or may have harmed a child,*
* *Possibly committed a criminal offence against or relating to a child,*
* *Behaved towards a child or children in a way that indicates they may pose a risk of harm to children or*
* *Behaved or may have behaved in a way that indicated they may not be suitable to work with children.*

*Then this is a safeguarding allegation rather than a complaint and must be reported to the LADO Local Authority Designated Officer within one working day and part 4 of Keeping Children Safe in Education must be followed*

It’s in everyone’s interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, your complaints procedure should be followed.

* 1. **Who can make a complaint?**

You must not limit complaints to parents or carers of children that are registered at the school / academy. Anyone can make a complaint about any provision of facilities or services that a school / academy provides, unless separate statutory procedures apply (such as exclusions or admissions). This includes:

* parents or carers of children no longer at the school / academy
* members of the public

In accordance with [administrative law principles](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#adminlaw), complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets the [serial complaint criteria](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#serialandpersistentcomplaints).

If the complainant contacts you again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’ and you may choose not to respond.

You should not mark a complaint as ‘serial’ before the complainant has completed the procedure.

* 1. **Your complaints procedure**

You must have your own distinct complaints procedures in place. A guidance document for parents on making complaints does not satisfy the legal requirement to have in place a procedure to deal with all complaints. Should you decide to adopt the Local Authority model policy and procedure, the duty to establish procedures for dealing with complaints lies with governing bodies, therefore you must tailor the policy to your individual school / academy.

You should make sure that your complaints procedure:

* is simple to understand and use
* is impartial
* is non-adversarial
* enables a full and fair investigation
* where necessary respects confidentiality
* addresses all the points at issue and provides an effective response and appropriate redress, where necessary
* provides information to the school / academy’s senior management team so that services can be improved

To make sure your complaints procedures are effective, we recommend that:

* you ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school / academy could have handled the situation better is not the same as an admission of unlawful or negligent action
* when responding to a complaint, you advise the complainant of any escalation options at each stage of the procedure - for example, when communicating the outcome of the stage 1 process, include the details of the stage 2 process
* wherever possible, procedures state what you ‘will’ do rather than what you ‘should’ or ‘may’ do

Try to avoid using ambiguous language in your complaints procedures, as not doing something the procedure states the school / academy should or may do, can lead to further complaints.

1. **Complaints outside of this policy**

Some complaints fall outside the school / academy’s complaints procedure, for example:

* exclusions
* staff grievances
* disciplinary procedures
	1. **Duplicate complaints**

After closing a complaint at the end of the complaints procedure, you may receive a duplicate complaint from:

* a spouse
* a partner
* a grandparent
* a child

If the complaint is about the same subject, you can inform the new complainant that the school / academy has already considered that complaint and the local process is complete. You should advise the new complainant to contact the DfE Secretary of State (maintained schools) or the Education and Standards Board ([ESFA](https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy))(academies) if they are dissatisfied with the school / academy’s handling of the original complaint.

Take care not to overlook any new aspects to the complaint that you may not have previously considered. You will need to ensure these are investigated and dealt with to the full extent of the complaints procedure.

* 1. **Complaint campaigns**

Occasionally, you may become the focus of a campaign and receive large volumes of complaints:

* all based on the same subject
* from complainants unconnected with the school / academy

The DfE recommend you include a separate procedure in your complaints policy to handle complaints of this nature. This could include:

* sending a template response to all complainants
* publishing a single response on the school / academy’s website

In accordance with the duty on schools to publish their complaints procedures online under the School Information (England) Regulations 2008, any alternative process must be included in the complaints procedure published on the school / academy’s website.

You can continue to signpost complainants to the DfE Secretary of State or ESFA if they’re dissatisfied with your response.

* 1. **Third parties**

You should make sure that any third party providers have their own complaints procedures in place if they are using school / academy premises or facilities to offer:

* community facilities
* services
	1. **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](https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility) contains specific advice about how to approach issues concerning parental responsibility.

1. **Complaints about the headteacher or governing body**

The complaints procedure must also set out the steps to follow if the subject of the complaint is:

* the headteacher
* a member of the governing body
* the entire governing body

There may be occasions when it’s necessary or reasonable to deviate from the published complaints procedure. This includes not doing something the procedure states you will, should or may do. We recommend that you document any deviation from the published procedure.

If the complaint is escalated to the DfE or ESFA for consideration and the complaint is about any deviation from the published policy, they will ask you for an explanation for doing this, unless one is already included in the evidence provided. If they do not consider the explanation reasonable, or the deviation justified, they may ask you to revisit the complaint and comply with the published complaints procedure.

1. **Publishing your procedure**

Under [Section 29(1) (b) of the Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/29), you must publicise your complaints procedures.

Following changes to the School Information (England) Regulations 2008, since 1 September 2016, maintained schools must publish their complaints procedures on their websites. This does not apply to community or foundation special schools that are established in hospitals or maintained nursery schools.

If you do not have your own website, it must still be published online. This may be through your local authority’s website or other hosting platform, for example, the diocesan or federation’s websites.

In the case of federation schools, the federation’s governing body is responsible for creating a suitable complaints procedure. The federation’s governing body must also ensure that each school / academy in the federation publishes the complaint procedure on their school / academy’s website. It is not sufficient for a federation complaint procedure to only be published on the federation’s website, unless member schools do not have websites of their own.

1. **Timeliness**

Complaints need to be considered and resolved as quickly, and efficiently as possible.

When reviewing schools’ complaints procedures or the handling of a complaint, we may recommend that schools amend their time limits if they are unreasonably excessive or restrictive.

* 1. **Give realistic and reasonable time limits**

Your procedure should set realistic and reasonable time limits for each action within each stage.

Where further investigations are necessary and it is clear published timescales cannot be met, we recommend you:

* set new time limits
* send the complainant details of the new deadline and explain the delay
* allow a reasonable timeframe for complaints to be raised after an incident arises

The DfE consider 3 months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances.

You can include a cut-off time frame for:

* raising a complaint
* escalating a complaint

If your procedure includes a cut-off time frame, you should make it clear that you’ll take exceptional circumstances into account when deciding whether to accept or progress a complaint.

Any decision made by a school / academy, must also be made in line with the principles of administrative law. This means a decision is:

* lawful - it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](http://www.legislation.gov.uk/ukpga/1998/42/contents) and the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents)
* rational
* reasonable
* fair
* proportionate

Decision-makers should also be mindful of [The 7 Principles of Public Life](https://www.gov.uk/government/publications/the-7-principles-of-public-life).

You must not have ‘blanket’ policies of refusing to consider any complaints not lodged, or escalated, within the stated period.

Blanket policies are where all cases are treated in the same way, with no allowances made for individual circumstances – this also goes against the principle of ‘objectivity’ as set out in the

[The 7 Principles of Public Life](https://www.gov.uk/government/publications/the-7-principles-of-public-life).

It is for schools to determine what constitutes exceptional circumstances.

1. **Stages**

You’re free to choose how many stages your procedure will include. However, it is recommended two stages, where the second, an appeal stage, is heard by members of the governing body who’ll consider the complaint afresh.

This makes sure that:

* decisions are not taken in isolation
* there is always a mechanism by which decisions are considered independently

The DfE do not recommend that the second stage only considers the handling of the complaint at earlier stages. One of the DfE’s roles in considering school / academy complaints is to review the handling of a complaint. Schools should be mindful of this when establishing their complaints procedures.

Your complaints procedure must not state that a complaint can only be escalated to the next stage if the school / academy permits it. Complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets your published [serial complaint criteria](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#serialandpersistentcomplaints).

* 1. **Informal resolutions**

The DfE recommend that complainants and schools attempt informal resolution before making a formal complaint, if it’s appropriate to do so.

If the complainant wishes to raise a formal complaint, you should not attempt to prevent this by insisting on informal resolution first.

* 1. **Legal representation**

In the event that a complaint progresses to a committee of members of the school / academy governors, we recommend that neither the complainant nor the school / academy bring legal representation. These committees are not a form of legal proceedings. The aim of the governors committee should be:

* reconciliation
* to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate.

**Example** If a school / academy employee is a witness in a complaint, they may be entitled to bring union or legal representation.

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

1. **Mediation**

Some schools choose to include a mediation stage in their complaints procedures. While this can be useful in helping you and complainants reach an agreement and move forward, there are times when it may not be the most appropriate course of action.

Mediation can:

* provide a helpful mechanism for discussion when a concern is raised
* help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed

It should not be used as a substitute for an investigation during the formal stages of the complaints procedure.

If neither the complainant nor the school / academy considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaints procedure.

1. **Complaints about school / academy staff**

We recommend that:

* complaints against school / academy staff are dealt with by the headteacher (stage 1), then a committee of members of the governing body (stage 2)
* complaints against the headteacher are dealt with by a suitably skilled member of the governing body (stage 1) and then a committee of members of the governing body (stage 2)
1. **Complaint about governors**

We recommend that:

* complaints against the chair of governors or any individual governors are made to the clerk to the governing body (the clerk), the clerk should then arrange for the complaint to be heard. This can be done by a suitably skilled and impartial member of the governing body (stage 1) and then a committee of members of the governing body (stage 2). Details on how to contact the clerk should be available on the school website
* complaints against the entire governing body or complaints involving both the chair and vice chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint

This may involve the school / academy sourcing an independent investigator to complete stage 1 and co-opted governors from other schools to hear the complaint at stage 2.

Should a complaint be made against a governor which is upheld, the Governing Body needs to be aware of what action can be taken and what body has authorisation to take action.

*All maintained schools have powers to suspend someone who acts in a way that is contrary to the Governing Body’s ethos and has brought or is likely to bring the organisation, the Governing Body or their role into disrepute. Academy trusts may have the power to remove someone from the Governing Body in these circumstances, in accordance with their articles of association. Trusts may consider informing the removed trustee of any basis on which they may be considered for re-appointment.*

*Since 1 September 2017, maintained school governing bodies have had the power to remove elected parent and staff governors in the same way as they can remove co-opted governors – that is, by majority decision of the governing body*

*Governance Handbook (March 2019)*

There are a range of different categories of governors that can serve on a governing body and the below table summarises what action can be taken against each type of governor and the body that may take action:

|  |  |  |  |
| --- | --- | --- | --- |
| Type of Governor | The Governing Body has authority to: | The appointing body’s authority to: | Comments |
| Suspend | Remove | Suspend | Remove |  |
| Co-opted | **√** | **√** | **×** | **×** | N/A |
| Parent(Appointed or Elected) | **√** | **√** | **×** | **×** | The Governing Body may remove an appointed or elected parent governor |
| Staff | **√** | **√** | **×** | **×** | The Governing Body may remove an appointed or elected staff governor |
| Local Authority (LA) | **√** | **×** | **×** | **√** | An LA governor may be removed from office by the local authority that nominated them. The local authority must give written notice of the removal to the clerk to the Governing Body and to the governor concerned.The LA will use their agreed procedure for considering removal of an LA governor. |
| Foundation | **√** | **×** | **×** | **√** | May be removed from office by the person who appointed them. The appointer must be given written notice of the removal to the clerk to the governing body and to the governor concerned.The Diocese will use their agreed procedure for considering the removal of a foundation governor. |
| Ex-Officio Foundation | **√** | **√** | **×** | **×** | The Governing Body may remove an ex-officio foundation governor if requested by the person named in the Instrument of Government as the person entitled to make such a request. That person must give the Clerk and the governor concerned written reasons for the request. |
| Partnership | **√** | **√** | **×** | **×** | N/A |

[The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/1624/contents/made) set out the grounds on which governing bodies can suspend governors including where the governor has acted in a way that is inconsistent with the ethos, or with the religious character of the school, and has brought or is likely to bring the school or the governing body or the office of governor into disrepute.

Further guidance on the removal of a governor can be found in [The constitution of governing bodies of maintained schools: Statutory guidance for governing bodies of maintained schools and local authorities in England (August 2017)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/640562/The_constitution_of_governing_bodies_of_maintained_schools_2017.pdf), where it states:

***C.6 Procedure for removal of governors by the governing body (regulation 25)***

*Removal by a governing body of a co-opted governor, partnership governor, ex-officio foundation governor, appointed parent governor or elected parent or staff governor is effected by resolution of the governing body but only if:*

* *the removal is confirmed by a resolution passed at a second meeting of the governing body not less than 14 days after the first meeting;*
* *the removal of the governor has been specified as an item on the agenda of both meetings; and*
* *the following additional conditions are satisfied.*

*Where the governor concerned is an ex-officio foundation governor, or is a partnership governor whose removal has been requested by the nominating body, the additional condition is that the governing body considers the reasons for removal and gives the governor concerned the chance to make a statement in response.*

*Where the governor concerned is a co-opted governor, a partnership governor, elected parent or staff governor, or an appointed parent governor, the governor proposing the removal must at the meeting give reasons for the proposal and the governor concerned must have the chance to make a statement in response.*

*Governing bodies are expected to provide an appeals procedure to enable any removed governor to test the reasonableness of the governing body’s decision to remove them. It is advised that an independent panel conducts the appeal, which could include a governor from another school, and/or a suitable official from the local authority, or a suitable diocesan representative. It is advised that any governor subject to removal is provided with written details of the case against them ahead of any meeting, and it is advised this includes details of how their case is being handled, and the timeframes involved. They must then be given sufficient time and support to respond.*

Effective boards set out clearly what they expect of individuals, particularly when they first join. A code of conduct should be maintained and communicated to all prospective appointees to set clear expectations of their role and behaviour. Explicit agreement to the code of conduct will mean there is a common reference point should any difficulties arise in the future.

1. **Independent complaint panels**

To appoint a governor from another school / academy onto a complaints panel a maintained schools’ governing body does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

If you arrange complaint panel meetings on an ad-hoc, informal basis, you only need to source governors who are:

* suitably skilled
* can demonstrate their independence

You can approach governors from any:

* category of governor
* associate member of another governing body

Maintained schools can ask governors in academies to serve on a complaints panel and vice versa.

The exception to this is when a maintained school / academy wishes to appoint a standing committee to hear all the complaints they receive under the committee’s tenure. To appoint governors from another school / academy onto the complaints committee, you must enter into a formal collaborative arrangement with another maintained school / academy.

If appropriate, the clerk could ask for support from the:

* governor services team at the local authority
* diocese
1. **Recording complaints**

The process of listening to and resolving complaints can contribute to school / academy improvement. Governing bodies can use learning identified from across the spectrum of complaint investigations to:

* inform improvements within the school / academy
* improve the effectiveness of the complaints procedure.

You must comply with your obligations under the [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents). It’s common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

* disability
* learning difficulties
* difficulties using English

You should therefore allow alternative methods of contact. Below are some recommendations on how complaint information can be processed.

1. **How can a complaint be raised**

A complaint may be made:

* in person, by telephone or in writing (this includes by email)
* by a third party acting on behalf of the complainant

You should make sure you have written consent from the complainant before disclosing information to a third party.

* 1. **Take brief notes**

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be taken. These should be:

* kept securely
* encrypted where appropriate

A copy of any written response should be added to the complaint record.

* 1. **Recording meetings**

Where there are communication difficulties, you may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded.

Schools are data controllers in their own right and you have the discretion via your policies to decide for yourselves whether to allow complainants to record meetings, if it’s not required for the purposes of a reasonable adjustment.

You’re also responsible for ensuring there is a fair and reasonable purpose for allowing complainants to record meetings, as there may be various levels of identifiable personal information recorded. We recommend you consider:

* how any decision to allow recordings may affect any third parties called to act as witnesses
* the impact and consequences on the individuals involved in the complaint in the event recordings are lost or leaked
	1. **Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

The DfE do not normally accept electronic recordings as evidence when they are asked to consider a complaint. However, they may accept independently notarised transcriptions of recordings and may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, the DfE support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded and recommend this is made clear in complaints procedures.

* 1. **Recording complaint progress**

You should:

* record the progress of the complaint and the final outcome
* determine who is responsible for these records and make sure the data is kept secure

**As schools are data controllers in their own right, governing bodies must decide for themselves how long they keep records, unless statutory regulations apply. For example, copies of attendance registers must be retained for 3 years.**

**Under the General Data Protection Regulations (EU) 2016/679 (GDPR), data must not be kept longer than is necessary.**

You should consider that complainants may have a right to copies of these records under the [Freedom of Information Act 2000](http://www.legislation.gov.uk/ukpga/2000/36/contents), the [Data Protection Act 2018](http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted) and GDPR.

Refer to the DfE [Data protection: toolkit for schools](https://www.gov.uk/government/publications/data-protection-toolkit-for-schools) or the Information Commissioner’s [Guide to GDPR](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/) for more information.

1. **Role of the clerk**

A complaints co-ordinator, nominated within the school / academy, can provide administrative support in place of a clerk to the governing body, if that is more suitable to the school / academy’s needs. However, governance and regulatory advice should be sought from School Governor Services.

1. **Transferring data**

There may be occasions where complaints are made or continue to be escalated after a child has left the school / academy. On changing schools, the pupil’s educational record is transferred to the new school / academy and copies may not be retained. Schools can consider holding records of complaints separate to their pupil records (while a complaint is ongoing) so that access to them can be maintained. As information generated by a complaint may not form part of the pupil record, you should consider how best to store this information.

Personal data should only be kept for as long as is necessary for the immediate purpose of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

1. **Governing body review**

We’re confident that governing bodies will deal with complaints impartially. However, details of complaints should not be shared with the whole governing body at any stage while they are still being considered, in case a complaints committee needs to be organised.

The exception to this is when a complaint is made against the whole governing body and they need to be aware of the allegations made against them, to respond to any independent investigation.

If the whole governing body is aware of the significant detail of a complaint (that is not collectively against them) before the final stage has been completed, you can consider arranging an independent committee to hear the complaint. You may want to ask for help sourcing governors to serve on a complaints committee from:

* another school / academy
* Wakefield School Governor Services
* the diocese / Multi-Academy Trust Governance Lead, if appropriate
1. **Handling complaints fairly**

You should make sure that complainants are treated fairly and offered a chance to state their case either in person or in writing, at each stage of the procedure.

Complainants can request an independent complaints committee if they believe there is likely to be [bias in the proceedings](https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#bias-in-the-proceedings). They should provide you with evidence of bias in support of their request, as it’s your decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then we recommend that you grant such requests.

If you’ve made reasonable attempts to accommodate complainants with dates for complaint meetings and they refuse or are unable to attend you can:

* convene meetings in their absence
* reach a conclusion in the interests of drawing the complaint to a close
1. **Communicating the outcome**

We recommend that you inform the complainant of:

* the conclusion and reasons for any decisions in writing
* any further rights of appeal

We also recommend that copies of the minutes are issued to the complainant. Failure to do so may lead to a further complaint. They may also be entitled to them, subject to any necessary redactions, under the [Data Protection Act 2018](http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted) and [GDPR](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/).

1. **Reviewing your procedure**

You should determine how often to review the complaints procedure. The DfE recommend at least every 2 to 3 years, as this should enable you to take into account any:

* legislative changes
* new guidance issued by the DfE

You may delegate responsibility for reviewing the complaints procedure to:

* a committee of the governing body
* an individual governor
* the headteacher

You should adhere to projected review dates set out in the complaints procedure. Failure to do so could constitute a failure to adhere to the procedure.

1. **Bias in the proceedings**

Complainants are entitled to a fair meeting or review. Persons who have a conflict of interest should not take part in the complaints process, including proceedings of governing body meetings and committees. If there’s any reasonable doubt as to a person’s ability to act impartially, they should withdraw from considering the complaint. Where a governor has a financial interest in any related matter, they should also withdraw.

When making decisions, you must not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done, but be seen to be done.

Occasionally, complainants contact DfE because they do not believe the school / academy’s headteacher or governors will consider their complaint impartially.

We generally consider that governors with no prior exposure to the complaint are suitably impartial, unless the complainant provides us with evidence to the contrary.

The DfE require complainants to submit evidence of bias if they escalate their complaint to DfE.

1. **Complaints not in scope**

A complaints procedure should cover all complaints about any provision of community facilities or services that a school / academy provides other than complaints for which there are separate (statutory) procedures, including those listed below.

* 1. **Admissions to schools**

For school / academy admissions, it will depend on who the admission authority is (either the school / academy or the local authority).

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

* 1. **School re-organisation proposals**

Contact the local authority or diocese, as appropriate, in the first instance and then escalate to the DfE, if dissatisfied.

* 1. **Statutory assessments of special educational needs**

Concerns about statutory assessments of special educational needs should be raised direct with local authorities.

* 1. **Matters likely to require a child protection investigation**

Complaints about child protection matters should be handled:

* under the school / academy’s child protection and safeguarding policy
* in accordance with relevant statutory guidance

When managing allegations against staff, you should refer to your local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH) where there are safeguarding concerns about a child.

* 1. **Exclusion of children from school / academy**

Further information about raising concerns about exclusions is available in the [School discipline and exclusion](https://www.gov.uk/school-discipline-exclusions/exclusions) guidance.

Complaints about the application of the behaviour policy can be made through the school / academy’s complaints procedure.

* 1. **Whistleblowing**

You must have an internal [whistleblowing procedure](https://www.gov.uk/whistleblowing) for your employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE using their [contact form](https://www.education.gov.uk/contactus).

Volunteers who have concerns about schools should complain through the school / academy’s complaints procedure. Depending on the substance of the complaint they may also be able to complain to:

* the local authority
* DfE using their [contact form](https://www.education.gov.uk/contactus)
	1. **Staff grievances**

Complaints from staff must be dealt with under the school / academy’s internal grievance procedures.

* 1. **Staff conduct complaints**

Complaints about staff are dealt with under the school / academy’s internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you should notify complainants that the matter is being addressed.

* 1. **Complaints about services provided by other providers who may use school / academy premises or facilities**

Schools should direct complainants to follow the external provider’s own complaints procedure.

* 1. **Complaints about the curriculum**

Complaints about the content of the national curriculum should be sent to DfE using their [contact form](https://www.education.gov.uk/contactus).

Complaints about the delivery of the curriculum are for schools to resolve through their complaints procedure. This includes:

* religious education (RE)
* sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

If a school / academy’s complaint procedure signposts complainants to the local authority to resolve these and other types of complaints, then governing bodies should seek confirmation from the local authority that they can include these details in their complaint procedure.

* 1. **Complaints about collective worship**

Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should be signposted to:

* the local Standing Advisory Council on Religious Education
* the local authority
* any other relevant body
	1. **Withdrawal from the curriculum**

Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

1. **The DfE’s role in relation to complaints about maintained schools**

Anyone can raise a complaint about a maintained school / academy or a member of maintained school / academy staff to the DfE. They expect that complaints will have completed local complaints procedures first. DfE’s [contact form](https://www.gov.uk/contact-dfe) clearly explains this and advises complainants to complete local procedures before submitting their complaint.

The exceptions to this include when:

* children are at risk of harm
* children are missing education
* a complainant is being prevented from having their complaint progress through the published complaints procedure
* the DfE have evidence that the school / academy is proposing to act or is acting unlawfully or unreasonably
	1. **Intervention**

The DfE will usually only intervene when it is expedient or practical to do so and a governing body or local authority has:

* failed to act in accordance with its duties under education law
* acted (or is proposing to act) unreasonably when exercising education related functions

Any such intervention will usually be in accordance with the Secretary of State’s powers under Sections 496 and 497 (and 497A in relation to LAs) of the Education Act 1996.

When considering a complaint, the DfE review all the evidence provided to them, including the school / academy’s published policies, to determine whether it is appropriate to take any action. Action taken by the DfE, where appropriate, typically involves explaining the legislative framework and what it means in practice at the school / academy level or recommending improvements to statutory school / academy policies. However, in some instances it may be appropriate for the Secretary of State to intervene.

The DfE do not take punitive action against schools when breaches of legislation or failures to adhere to statutory policies are identified. However, if serious failings are identified, they may share information about the complaint and the DfE findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

* 1. **General assistance**

Schools and local authorities can contact the DfE for general assistance on complaint handling by:

* calling the National Helpline on 0370 000 2288
* using DfE’s [contact form](https://www.education.gov.uk/contactus)
* writing to the DfE at the address below

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The DfE will not provide explicit advice on what a school / academy should do, unless they are asked to provide a view on any relevant legislative underpinning, but can explain what options may be open to a school / academy to choose from.

The DfE can also consider complaints about the actions of local authorities in relation to the exercise of their functions under education law if they are brought to their attention.

1. **Managing serial and persistent complaints**

You should do your best to be helpful to people who contact you with a:

* complaint or concern
* request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as ‘serial’ or ‘persistent’ and you may choose not to respond. However, you should not mark a complaint as ‘serial’ before the complainant has completed the procedure, unless your published serial complaint criteria applies.

Under no circumstances should a complainant be marked as ‘serial’ for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

You may receive complaints you consider to be vexatious. The [Office of the Independent Adjudicator](http://www.oiahe.org.uk/about-us/policies/policy-on-frivolous-or-vexatious-complaints.aspx) defines the characteristics of a ‘frivolous’ or ‘vexatious’ complaint 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

Schools should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a ‘serial or persistent’ marking should be against the subject or complaint itself rather than the complainant.

Schools may find it useful to establish a policy for managing serial and unreasonable complaints, which we recommend is included in the school / academy’s published procedure. The DfE have published [non-statutory model policies](https://www.gov.uk/government/publications/school-complaints-procedures) that you can use.

* 1. **When to stop responding**

The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:

* you have taken every reasonable step to address the complainant’s concerns
* the complainant has been given a clear statement of your position and their options
* the complainant contacts you repeatedly, making substantially the same points each time

The case to stop responding is stronger if you agree with one or more of these statements:

* their letters, emails, or telephone calls are often or always abusive or aggressive
* they make insulting personal comments about or threats towards staff
* you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

* 1. **Communication strategy for persistent correspondents**

If an individual’s behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they 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, you must provide parents and carers with the information they are entitled to under [The Education (Pupil Information) (England) Regulations 2005](http://www.legislation.gov.uk/uksi/2005/1437/pdfs/uksi_20051437_en.pdf), within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the [Information Commissioner’s Office](https://ico.org.uk/global/contact-us) for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school / academy failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach Wakefield School Governor Services team to ask for assistance.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen’s Advice.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once you’ve decided that it’s appropriate to stop responding, you will need to inform the individual.

* 1. **Barring from school / academy premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Headteachers and governing bodies will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual’s behaviour is a cause for concern, they can be asked to leave school / academy premises. In some cases, individuals can be barred from entering school / academy premises. You should always give the individual the opportunity to formally express their views on a decision to bar.

The headteacher’s decision to bar should then be reviewed by either:

* the chair of governors
* a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

* how long the bar will be in place
* when the decision will be reviewed

Once the school / academy’s appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice. [Controlling access to school / academy premises](https://www.gov.uk/government/publications/controlling-access-to-school-premises) provides more guidance on access to school / academy premises.

1. **Further information**
	1. **Useful resources and external organisations**

There are a number of different organisations that schools can approach if they require further advice on complaints handling. However, some of these organisations charge schools a fee to access information and advice.

The [Information Commissioner’s Office](https://ico.org.uk/global/contact-us/) can provide advice to schools on data processing and retention.

**Other resources**

* [Governance handbook](https://www.gov.uk/government/publications/governors-handbook--2)
* [How to complain about a school / academy](https://www.gov.uk/complain-about-school) - advice for complainants
* [Understanding and dealing with issues relating to parental responsibility](https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility)
* [Controlling access to school / academy premises](https://www.gov.uk/government/publications/controlling-access-to-school-premises) - guidance on access to, and barring of individuals from, school / academy premises

**PART 3: MODEL COMPLAINTS POLICY AND PROCEDURE**

**Insert school / academy name/logo**

| **Note**If using this model policy, governing bodies must tailor it to their own schools. |
| --- |

**Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school / academy. Any person, including members of the public, may make a complaint to <School Name> about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

**The difference between a concern and a complaint**

A concern may be defined as ‘*an expression of worry or doubt over an issue considered to be important for which reassurances are sought’*.

A complaint may be defined as ‘*an expression of dissatisfaction however made, about actions taken or a lack of action*’.

If anyone working in the school or college that provides education for children under 18, including supply teachers and volunteers has;

* Behaved in a way that has harmed a child or may have harmed a child,
* Possibly committed a criminal offence against or relating to a child,
* Behaved towards a child or children in a way that indicates they may pose a risk of harm to children or
* Behaved or may have behaved in a way that indicated they may not be suitable to work with children.

Then this is a safeguarding allegation rather than a complaint and must be reported to the LADO Local Authority Designated Officer within one working day and part 4 of Keeping Children Safe in Education must be followed.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. <School Name> takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, <Name>, *(school / academy to nominate the headteacher or the complaints administrator if one is used)*, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, <Name> will refer you 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, <School Name> will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

**Complaints against school / academy staff (except the headteacher) should be made in the first instance, to <Name> (the headteacher)via the school / academy office*.*** **Please mark them as Private and Confidential**.

**Complaints that involve or are about the headteacher should be addressed to <Name>(the Chair of Governors), via the school / academy office. Please mark them as Private and Confidential.**

**Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to <Name>(the Clerk to the Governing Body) via the school / academy office. Please mark them as Private and Confidential.**

**Complaints from staff must be dealt with under the school / academy’s internal grievance procedures.**

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school / academy office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

**Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

**Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

**Complaints received outside of term time**

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

**Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by <School Name>, other than complaints that are dealt with under other statutory procedures, including those listed below.

|  |  |
| --- | --- |
| **Exceptions** | **Who to contact** |
| * Admissions to schools
* Statutory assessments of Special Educational Needs
* School re-organisation proposals
 | Concerns about admissions, statutory assessments of Special Educational Needs, or school / academy re-organisation proposals should be raised with <insert local authority details>  |
| * Matters likely to require a Child Protection Investigation
 | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <insert LADO/MASH details>. |
| * Exclusion of children from school / academy\*

 | Further information about raising concerns about exclusion can be found at: [www.gov.uk/school / academy-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions). *\*complaints about the application of the behaviour policy can be made through the school / academy’s complaints procedure.* *<link to school / academy behaviour policy>.* |
| * Whistleblowing
 | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).Volunteer staff who have concerns about our school / academy should complain through the school / academy’s complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint. |
| * Staff grievances
 | Complaints from staff will be dealt with under the school / academy’s internal grievance procedures.  |
| * Staff conduct
 | Complaints about staff will be dealt with under the school / academy’s internal disciplinary procedures, if appropriate.Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed. |
| * Complaints about services provided by other providers who may use school / academy premises or facilities
 | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| * National Curriculum - content
 | Please contact the Department for Education at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)  |
| * Managing allegations against staff
 | Please contact the LADO (Local Authority Designated Officer) |
| * Safeguarding concerns about a child
 | Please contact the MASH team (Multi-Agency Safeguarding Hub) |

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 <School Name> 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.

**Resolving complaints**

At each stage in the procedure, <School Name> 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 help 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 / academy policies in light of the complaint
* an apology.

**Withdrawal of a Complaint**

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

**Stage 1**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school / academy office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within <insert number> school / academy days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

***Note: The headteacher may delegate the investigation to another member of the school / academy’s senior leadership team but not the decision to be taken.***

During the investigation, the headteacher (or investigator) will:

* if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
* keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within <insert number> school / academy days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 <School Name> will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school / academy office.

If the complaint is:

* jointly about the Chair and Vice Chair or
* the entire governing body or
* the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body or (<insert Diocese details if appropriate>). At the conclusion of their investigation, the independent investigator will provide a formal written response.

**Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body’s complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school / academy office, within <insert number> school / academy days of receipt of the Stage 1 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 <insert number> school / academy days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within <insert number> school / academy 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.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from <School Name> available, the Clerk will source any additional, independent governors through another local school / academy or through their LA’s Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee 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 the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

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

***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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.***

Representatives from the media are not permitted to attend.

At least <insert number> school / academy 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
* request copies of any further written material to be submitted to the committee at least <insert number> school / academy days before the meeting.

Any written material will be circulated to all parties at least <insert number> school / academy days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

The Chair of the Committee will provide the complainant and <School Name> with a full explanation of their decision and the reason(s) for it, in writing, within <insert number> school / academy days. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by <…School>.

If the complaint is:

* jointly about the Chair and Vice Chair or
* the entire governing body or
* the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

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 <School Name> will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

**Next Steps**

If the complainant believes the school / academy 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 Department for Education or ESFA (academies) after they have completed Stage 2.

The Department for Education / ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by <School Name>. They will consider whether <School Name> has adhered to education legislation and any statutory policies connected with the complaint.

*(Delete as appropriate)*

*Maintained Schools:*

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

M1 2WD.

*Academies:*

The complainant can refer their complaint to the Education and Standards Board online at: [ESFA](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen), or by writing to:

ESFA Complaints

Chief Executive’s Office

Cheylesmore House

Quinton Road

Coventry

CV1 2WT

**Complaint Form**

Please complete and return to <…Name> (*either headteacher / Clerk / complaints co-ordinator / designated governor – school / academy to delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

|  |
| --- |
| **Your name:** |
| **Pupil’s name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:** **Postcode:****Day time telephone number:****Evening telephone number:** |
| **Please give details of your complaint, including whether you have spoken to anybody at the school / academy 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 who:**  |
| **Complaint referred to:** |
| **Date:**  |

**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 / academy 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher 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 headteacher / 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, headteacher, Chair of Governors, Clerk and LAs (if appropriate) 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 Governing Body**

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 / academy 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 / academy 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.

**Committee Chair**

The committee’s 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 / academy 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 / academy has one).

**Committee Member**

Committee 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 / academy 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.

**PART 4: Model Literature**

1. **Model Text / Information for a ‘How to Complain’ leaflet**

***Suggestions for the text of a leaflet, to be modified to fit your particular school/academy and publicised.***

**Concerns and Complaint about Schools / Academies**

**If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in the school/academy. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school/academy will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

**What to do first:**

[*For Primary Schools*: Most concerns and complaints can be sorted out quickly by speaking with your child’s class teacher.]

[*For Secondary Schools:* Most concerns and complaints can be sorted out quickly by speaking with your child’s form tutor or head of year.]

Any member of staff at the school / academy can help you and direct you to the most appropriate person to deal with your concern / complaint. If you feel you have a complaint which you feel should be looked at by the headteacher/principal in the first instance you can make contact if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this and you can make one by ringing or emailing the school/academy. You can take a friend or relative to the appointment if you feel you would like to do so.

All staff will make every effort to resolve your issue informally. They will make sure you understand what you feel went wrong, explain their actions to you and ask what resolution you require to put things right. This does not mean that in every case the resolution will be as you wish but it will help both you and the school/academy to understand both sides and possibly help to prevent a similar problem arising again.

**What to do next:**

If you are dissatisfied with the teacher’s response (or with the headteacher/principal’s initial reaction if already involved), you may wish to make a formal complaint to the headteacher/principal. This should be made in writing using the form provided in the School/Academy Complaints Policy and Procedure. A copy of this is available on the school/academy’s website.

If your complaint is about an action of the headteacher/principal personally, then you should refer your complaint to the Chair of the Governing Body; contact details can be obtained from the school office or website.

The headteacher/principal will ask to meet you for a discussion of the problem and try to resolve the matter informally. Again, you may take a friend or relative to support if you wish. If we are unable to resolve informally, the headteacher/principal (or suitable representative) will conduct a full investigation of the complaint and may interview members of staff or pupils involved. You will receive a written response to your complaint.

Most problems can be resolved by the end of this stage.

**If your complaint has not been resolved:**

If you are still not satisfied, you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a panel of the governing body. The complaint will be heard by a panel of governors who have no previous knowledge of the issue and who will be able to provide fresh assessment. You will then be invited to attend and speak to the panel which the headteacher/principal will also attend. The Complaints Policy and Procedure explains how these meetings operate.

**Further action:**

Complaints about the school/academy problems are almost always settled within the school/academy but in exceptional cases it may be possible to refer the problem to an outside body such as the Secretary of State for Education. The Department of Education will expect the complaint to have been considered by the school governors first. Complaints about academies are handled by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for Education. There is more detail in the full Complaint Policy and Procedure, on the school’s website or via the Department for Education website at [www.education.gov.uk/help/contactus](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen).

The school/academy’s Complaint Policy and Procedures can be found at www…………

1. **Sample outcome of meeting regarding informal discussion**

Dear xxx,

Thank you for meeting with me on xxx, to discuss your concerns regarding xxxxx

**Option A):** ------------------------------------------------------------------------------------------------------------

I am pleased that we reached a positive outcome and you are assured that the matter has/will be addressed. We are always grateful for feedback, as this enables us to improve our school/academy and provide a better education service for our pupils and to our community.

The complaint has now been concluded. However, should you have any concerns in the future, please do not hesitate to get back in touch.

**Option B):** ------------------------------------------------------------------------------------------------------------

It is unfortunate that we were unable to resolve your concerns at our meeting on xxxxxx. As discussed, this matter is now being dealt with formally.

The complaint(s), as noted on your complaint form, will be investigated.

**Option B1:** As agreed, we will meet on xxxx [within … School days of complaint notice] to discuss the outcome of the investigation. There may be the possibility of an earlier meeting, if the investigation is concluded sooner.

**Option B2**: As discussed I will notify you of the investigation, in writing, within …school days. (this option removes the possibility for discussion that might lead to resolution, if appropriate).

In the meantime, if you have any queries regarding this process, please do contact me. I have enclosed a copy of our complaints policy and procedures (if not already given).

Yours sincerely,

Headteacher/Principal

Or Chair of Governing Board

1. **Outcome of Investigation Letter (assuming a meeting has taken place, if agreed as per above)**

Dear xxx

Further to my letter of xxx, I am pleased to confirm that the investigation has been concluded.

The outcome of the investigation in relation to your complaint(s) is as follows:

**Complaint 1:** [Description] was upheld/dismissed. [if dismissed, why/if upheld, what is the schools response / what action will be taken] etc…

**Complaint 2:** [Description] was upheld/dismissed. [if dismissed, why/if upheld, what is the schools response / what action will be taken] etc…

I am satisfied that the matter has been investigated thoroughly and that outcome(s) is appropriate. I hope you will be reassured that this matter has been taken seriously and that your complaint has been thoroughly investigated. However, if you are still dissatisfied, you may ask for your complaint to be reviewed by a panel of governors, which you will be invited to attend.

The panel has the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint.

If you would like to request a review by the Governing Board, you must inform me, in writing within … school days, otherwise the case will be closed. You must also explain why you remain dissatisfied with the outcome of your complaint.

Yours sincerely,

Headteacher/Principal

Or Chair of Governing Board

1. **Typical Agenda for reviewing complaints**

**A: Introductions and confirmation of process**

1. Welcome
2. Apologies
3. Consider declaration of interests
4. To confirm the order of the procedure and process and roles of individuals

**B: Presentation of complainant’s case**

1. Presentation of information by the complainant (including witnesses)
2. Questions on matters of fact by others
3. Questions on matters of fact by the review panel

**C: Presentation of Information by the Headteacher / Principal / Governor**

1. Presentation of information by the headteacher/principal/chair of governors (including witnesses and investigator)
2. Questions on matters of fact by others
3. Questions on matters of fact by the review panel

**D: Summing up**

1. Summing up by the headteacher / principal /chair of governors
2. Summing up by the complainant

**E: Decision making**

1. Everyone except the panel members and the clerk will withdraw. The panel will decide on the outcome and a record of the reasons for the decision will be taken.
2. **Checklist of Actions for a Stage Four Complaint**

**Complaint from …………………………………………… Date …………………**

**Upon receipt of a Stage Four Complaint Form:**

|  |  |  |
| --- | --- | --- |
| **Tasks** | **Person responsible** | **Date completed** |
| Clarify whether the complaint has exhausted the earlier stages of the Complaints Procedure. | Chair of Governors |  |
| Acknowledge receipt of the Stage Four complaint Form within 5 school days.  | School |  |
| Inform the Headteacher that a Stage Four complaint has been received. | Chair of Governors |  |
| Arrange a Panel of Governors that are able to consider the case impartially and to be perceived as such by all parties. Governors with prior knowledge of the case must not be on the Panel. Governors employed at the school should also not be on the Panel. | Chair of Governors |  |
| Determine whether an initial meeting is required to prepare for the hearing and, if so, set a date for this. | Chair of the Panel |  |

**Preparing for the hearing:**

|  |  |  |
| --- | --- | --- |
| **Tasks** | **Person responsible** | **Date completed** |
| Notify the complainant, the Headteacher and any witnesses invited to the meeting of the date of the hearing. The complainant, the Headteacher and any witnesses (including any members of staff) should be given the right to be accompanied by a friend or representative. **N.B. :** * **No child may be requested to attend without written parental permission.**
* **The Committee cannot insist on anyone attending a hearing except for the Headteacher***.*
* **Complainants cannot insist that a witness attends.**
 | Chair of the Panel |  |
| Write to any member of staff named in the complaint to offer them an opportunity to attend the hearing. They may be accompanied by a friend or representative. You may not wish to use them as a witness but they have a right to attend if they wish.  | Chair of the Panel |  |
| Ensure there is an appropriate meeting room to conduct the hearing.  | Chair of the Panel |  |
| Ensure there are appropriate areas where complainants, the Headteacher and any witnesses will wait. | Chair of the Panel |  |
| Organise someone to take notes and draft minutes. | Chair of the Panel |  |
| Prepare questions the Panel needs to ask.  | Chair of the Panel |  |
| Agree format of the meeting. | The Panel. |  |

**At the Complaints Panel’s first meeting:**

|  |  |  |
| --- | --- | --- |
| **Tasks** | **Person responsible** | **Date completed** |
| Make sure you understand the nature of the complaint. | Chair of the Panel |  |
| Decide what facts you need to establish. | Chair of the Panel |  |
| Decide what evidence you need to establish the facts, e.g., you may wish to invite a witness to the complaint hearing or to ask him/her to write a signed statement. Identify who can be asked to provide that documentation. | Chair of the Panel |  |
| Decide the date of the complaint hearing. The date should be as soon as possible, consistent with giving time for the necessary evidence to be collected. | Chair of the Panel |  |

**When the Panel has reached its conclusions:**

|  |  |  |
| --- | --- | --- |
| **Tasks** | **Person responsible** | **Date completed** |
| Write with the Panel’s conclusions to the complainants.Send copies of the letter to:* the Headteacher;
* any staff involved in the complaint.
 | Chair of the Panel |  |
| Arrange for the minutes of the hearing to be shared, on a confidential basis, with the Panel, Headteacher and complainants. | Chair of the Panel |  |
| Arrange for the Clerk/Minute Taker to produce a written report to the Governing Body.In view of the sensitivity of complaints issues, reports of Complaints hearings should be as brief as possible. They should make clear:* the nature of the complaint;
* the decisions of the Panel;
* any recommendations of the Panel to the Governing Body.
 | Chair of the Panel |  |