

# MOORFIELD PRIMARY SCHOOL



## COMPLAINTS PROCEDURE

<b>Term Of Staff Review:</b>	<b>Spring 2022 (updated Spring 2023)</b>
<b>Reviewed &amp; Approved By Governing Body:</b>	
<b>Committee:</b>	<b>Full Governing Body</b>
<b>Term of Next Review:</b>	<b>Spring 2025</b>

*Inspiring Creative Learners for Exciting Futures*

## **Introduction**

From 1 September 2003 all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

In January 2016 the Department for Education (DfE) published a non-statutory guidance document entitled Best Practice Advice for School Complaints Procedures 2016. This was updated in January 2021 and titled 'Best Practice Guidance for School Complaints Procedures 2020'. It provides guidance on setting up and reviewing complaints procedures.

At Moorfield, we fully believe in our values of Responsibility, Thankfulness, Compassion and Perseverance and we ensure these are adhered to throughout any concern or informal/formal complaint regarding or made against the school or members of staff.

## **Who can make a complaint?**

This complaint procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school 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 complaint 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'*.

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 complaint procedure. We would like to reassure you that Moorfield 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, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred 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, we will attempt to resolve the issue internally, through the stages outlined within this complaint 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 of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised in the first instance with the class teacher, key stage phase leader, or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach Individual members of the governing body to raise concerns or complaints because they have no power to act on an individual basis and it may also prevent them from considering your complaint at Stage 2 of the procedure.

On this basis:

- Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office and preferably in writing. Please mark them as Private and Confidential;
- Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office and preferably in writing. 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 the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

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 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 you to access and complete this complaint procedure: for instance, providing information in alternative formats, assisting you 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.

### **Timescales**

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. Complaints made outside of this time frame will only be considered 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 day after the holiday period. If a complaint is received within 10 school days before a school holiday, the school will endeavour to respond before the commencement of the holiday. If this is not possible the school will advise you of the revised date of the response.

If legal action is commenced against the school in relation to the complaint, we will consider whether to suspend the complaint procedure in relation to the complaint until those legal proceedings have concluded.

### **Scope of this Complaint Procedure**

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

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the relevant service within the local authority
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	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 (MASSH).
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the Moorfield Behaviours for Learning policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns about our school should complain through the school's complaint procedure. You may also be able to complain direct to the local authority or the Department for Education, depending on the substance of your complaint.
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. You will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaint procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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 the school in relation to the complaint, we will consider whether to suspend the complaint procedure in relation to the complaint until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure we want to work with you 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 acknowledgement that the situation could have been handled differently (this is not the same as an admission of unlawful or negligent action)
- 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 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.

### **Closing a Complaint**

It is reasonable that complaints be considered to have lapsed if no response or contact has been received from you within the prescribed timescales of the complaint procedure. Where a complaint is not officially withdrawn but you have not been in contact or fail to attend a complaint panel meeting with no apology or due cause, it will be within the jurisdiction of the complaints panel and / or the LA to decide whether to proceed with the complaint. Guidance should be sought from the LA prior to any decision being taken.

Where the decision is taken to close the complaint, a letter will be sent from the school advising you forthwith.

### **Complaints against the Headteacher**

Where a complaint relates specifically to the actions / inactions of the headteacher the complaint should be directed in the first instance, via the school, to the Chair of the Governing Body. The letter should specify the nature of the complaint, the actions which you are dissatisfied with and an indication of what outcome is being sought. These complaints do not cover the following, where more specific procedures apply and should be followed:

- Allegations of child abuse
- Financial impropriety
- Other criminal activity

Further information should be sought from the Complaints Resolution Service.

Depending on the nature of the complaint the parent, or Chair, may request the involvement of the LA to advise them in the resolution of the complaint.

On receipt of the letter the Chair will notify the LA immediately and seek advice to establish whether the complaint falls within the scope of the schools' complaint procedure, or other existing Council procedures. If the complaint does fall within the school's procedure the Chair will act as complaints officer.

The Chair will acknowledge the letter and confirm their understanding of the exact nature of the complaint itself. They will give a description of the complaints procedure and a target date for providing a response. A full response will be made within 15 school days. However, if the complaint requires an in-depth investigation, the Chair will acknowledge this and let you know that a full response will take longer than usual.

The Chair may decide to contact or meet with you in order to obtain / clarify specific points or gather additional information to assist in the investigation. You can be accompanied to the meeting by a friend, relative or representative and arrangements for any interpreting facilities should be considered where necessary.

The Chair will write to both you and Headteacher to indicate the outcome of the investigation: that the complaint is:

- Unsubstantiated and no further action will be taken or,
- Justified in whole or in part and what action / recommendation will result

In addition, you will be advised of your right to make a representation to the LA against either the decision or, the conduct of the investigation.

### **Representation to the Local Authority**

Should the complainant or the headteacher remain dissatisfied with the outcome of the Chair's investigation, a representation can be made in writing to the Corporate Director, Services to People. The matter will be allocated to a senior officer with no previous involvement, who will then write to all parties outlining the process to be followed. The senior officer will carry out a review of the Chair's investigation and response letter, relevant paperwork and any other submissions pertinent to the complaint and, if necessary arrange meetings with the parties involved. Once any meetings have taken place, and allowing time for deliberation, a response will be sent to all parties within 20 school days from the date of the final meeting.

It should be noted that the LA has no power to re-investigate the complaint or, to overturn the decision of the Chair. Its role is to review the rigour applied to the investigational process. Parents will be advised of their right of appeal to the Secretary of State or Local Government Ombudsman (LGO) if appropriate.

### **Stages of the complaint procedure**

There are three stages to the complaint procedure. In order to protect the rights of all parties it is important that the various stages of the procedure are adhered to as far as possible. Should a complaint, therefore, be reported to a governor, Chair of Governors or the LA, the complainant will be directed to the school for the matter to be considered by the appropriate member of staff in the first instance.

Initially, it may be helpful to speak informally with the appropriate or designated member of staff, for example, the class teacher. This is usually the first step for a parental concern and, due to the first-hand information that the teacher has about the pupil, many concerns can be resolved at this point.

If this is not possible for any reason, ideally the complainant should put the complaint in writing to the Headteacher. This would be the first formal stage of the complaint procedure.

#### **Stage 1**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably using the complaint form), or by telephone. Please mark them as Private and Confidential.

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 3 school days.

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

*The headteacher may delegate the investigation to another member of the school'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 the investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, he 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 the school will take to resolve the complaint.

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 by writing to the Chair of Governors, via the school, within fifteen school days of receipt of the response letter from the headteacher.

#### **Stage 2**

A letter to the Chair should outline the complaint, the reasons for the dissatisfaction and the complainants preferred outcome. It should be in an envelope marked private and confidential for the attention of the Chair of Governors and sent via the school, or handed in at the school office. This will help to ensure they fully understand the issues when investigating the matter.

Following completion of the investigation, the Chairperson will write to the complainant, outlining their decision, any actions that have been or will be taken, and any recommendations to the school or Governing Body.

If the complainant remains dissatisfied they have the right to progress the complaint to the next stage. This should be done by writing to the Complaints Resolution Service (CRS) within a maximum of 15 school days of receipt of the response letter from the Chairperson. The letter should outline the elements of the chair's response the complainant remain dissatisfied with and their preferred outcome. The CRS will commence arrangements for the meeting of the Governing Body Complaints Panel.

### **Stage 3: Appeal to the Governing Body Complaints Panel**

Within 5 school days of receipt of the request to proceed to stage three, the CRS will write to the complainant, the headteacher, Chair of Governing Body, any relevant witnesses and members of the panel to advise of the date, time and place of the meeting, which should take place within 20 school days of receipt of the request. In addition, the letter will explain the main issues relating to the complaint, how the meeting will be conducted and the parent's and school's right to submit further written evidence to the panel. This evidence should be returned to the CRS in sufficient time to enable it to be circulated to all parties at least 5 school days prior to 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 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 Moorfield available, any additional, independent governors will be sourced through another local school or through their LA's Governor Services team, in order to make up the committee.

The complainant may bring someone along to provide support. This can be a relative, friend or representative. 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 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.

It should be noted that the standard of proof applied by the Panel will be the civil standard of, 'balance of probabilities' and not the criminal standard of, 'beyond reasonable doubt' as generated under Police or Court processes.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. Only in exceptional circumstances should any party introduce previously undisclosed information or witnesses. If this happens it may be in the interests of natural justice to adjourn the meeting so that all parties have time to consider and respond to any new information. The panel will also consider whether any additional material is appropriate to the complaint under consideration, and not relating to matters other than the parents original concern. 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's systems or procedures to prevent similar issues in the future

A decision letter will be produced and sent to the complainant and Headteacher within 15 school days of the meeting stating the decision(s) of the panel and the basis on which the decisions were made. The complaints

panel is the final stage of the schools' complaint procedure and the complainant will be advised that if they remain dissatisfied, they can forward the complaint to The Secretary of State for Education.

### **Complaint about the Governing Body**

If the complaint is:

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

Stage 3 will be heard by a committee of independent, co-opted 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 Moorfield will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **OFSTED**

What types of complaint can Ofsted consider?

It is important to understand that Ofsted's role in considering a complaint about a school is solely to determine if there is a need to inspect. Ofsted cannot seek to resolve or establish cause for any individual complaint.

If a concern affects the school as a whole and the complainant have followed all of the existing processes including complaining to the governing body and local authority it has powers to consider some complaints made in writing about schools and an online form for is available for this.

Examples could include:

- the school is not providing a good enough education
- the pupils are not achieving as much as they should, or their different needs are not being met
- the school is not well led and managed, or is inappropriately managing finances
- as a group, the pupils' personal development and well-being are being neglected. Ofsted will not investigate cases to do with individual pupils.

How should I ask Ofsted to look at my complaint?

If the complainant is certain they have exhausted the school's full complaints procedures as set out above, then they should fill in an online complaints form: [www.ofsted.gov.uk/onlinecomplaints](http://www.ofsted.gov.uk/onlinecomplaints)

What areas are excluded?

It is not able to consider a complaint when there are other statutory (legal) ways of pursuing it. This includes complaints relating to:

- admission procedures
- legal exclusions of individual pupils
- providing education for individual pupils with special educational needs
- religious education or the religious character of a school, or
- temporary changes to the curriculum.

It will not:

- investigate incidents that are alleged to have taken place
- judge how well a school investigated or responded to a complaint
- mediate between a parent or carer and a school to resolve a dispute.

If there are concerns about these issues contact your local parent partnership, local authority or the DfE.

### **Managing serial and unreasonable complaints**

As a school we are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect them from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contacts with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed
- refuses to accept the findings of the investigation where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides false or falsified information
- publishes unacceptable information on social media or other public forums.

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

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying any restriction on contact.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school or individual staff, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed at the end of the school term following the term during which the plan was put in place, but no later than 6 months after the date of the plan.

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

**Policy approved and adopted by the Governing Body Spring 2022**

**Policy updated and adopted by the Governing Body Spring 2023**

**Date of next review: Spring 2025**

	<b>Chair of Committee</b>	<b>Headteacher</b>
<b>Signed:</b>	.....	.....
<b>Dated:</b>	.....	.....



## Formal Complaint Form

Please complete and return to the Headteacher/Chair of Governors (*delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give concise details of your complaint, including dates, names of witnesses etc. and whether you have spoken to anybody at the school about it, to allow the matter to be fully investigated:</b>
<b>What action, if any, have you already taken to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)</b>

**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 form received:**

**Received by:**

**Date acknowledgement sent:**

**Acknowledged by:**

**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 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 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.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting
  - the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
  - complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
  - the remit of the committee is explained to the complainant
  - written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
  - the issues are addressed
  - key findings of fact are made
  - the committee is open-minded and acts independently
  - no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

- the meeting is minuted
- they liaise with the complaints co-ordinator, if the school 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 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.