Shawclough Community school

Complaints Procedure

Approved By Governors:	January 2025
Next Review Due:	January 2029

In accordance with Section 29(1) of the Education Act 2002, the Governing Board has adopted the following Procedure.

Executive Summary

This Complaints Policy and Procedure outlines Shawclough Primary School approach for dealing with and responding to complaints. The procedure sets out what will happen when a complaint is received at either the informal or formal stage or the timescale that will be used to respond to the complaint. It also details how to escalate concerns if a complainant remains dissatisfied after receiving a response to their complaint.

A complaint must be submitted within 3 months of the incident, being complained about, occurring. After the informal stage there are 2 further stages:

- ✓ Stage 1 – Formal complaint to the Headteacher or Chair of Governors if the complaint is about the Headteacher. This should be submitted within 5 school days of any informal approach, unless there are exceptional circumstances.
- ✓ Stage 2 – A meeting with the Governing Board's Complaints Committee. This should be submitted within 10 school days of the receipt of the stage 1 outcome, unless there are exceptional circumstances.

The policy and procedure also provides:

- Guidance on Governor involvement in complaints, how they shouldn't be approached and when Governors will consider a complaints
- How anonymous complaints will be dealt with
- The timescales involved in the complaints process
- Information relating to complaints and social media
- Details on the scope of the procedure as to what elements will not be considered under the procedure as other statutory procedures exist
- An explanation of roles and responsibilities for those involved in the procedure
- Information on how a school will deal with a complaint where there is shared parental responsibility
- Information on how the school will deal with complaint campaigns
- Details of how the school will manage serial and persistent complainants and barring from school premises
- Details of the informal, 2 formal stages of the procedure, and how a complainant can raise their concerns with the DfE following completion of the schools procedure, if they believe the school did not handle the complaint in line with its procedure or acted unlawfully or unreasonably

Who can make a complaint?

This complaints 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 Shawclough Primary 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 complaints procedure.

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

Duplicate complaints

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

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, the new complainant will be informed that the school has already considered that complaint and the local process is complete. The complainant will be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.

The school should take care not to overlook any new aspects to the complaint that may not have previously been considered. These should be investigated and dealt with to the full extent of the 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*'.

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. Shawclough Primary School 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, the Headteacher will refer you to another staff member or the Complaints Administrator if one is used. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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, Shawclough Primary School 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 of a complainant, as long as they have appropriate consent to do so. This consent should be provided as part of the complaint process (see appendix 1).

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. If a Governor is approached directly, they should not discuss the matter and should advise the complainant of the schools procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office***.*** 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. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Board should be addressed to the School Based Clerk to the Governing Board via the school office. Please mark them as Private and Confidential. Where a complaint concerns the Chair of Governors, the individual should contact the School Based Clerk to the Governing Board. Informal resolution will be sought, but where this fails, the complaints procedure at the formal stage will take immediate effect. The Vice Chair or an Independent Investigator will mediate any proceedings.

For ease of use, a template complaint form is included at appendix 1. 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 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 only consider complaints made outside of this time frame if exceptional circumstances apply. Any escalation of your complaint between stages must be within the timescales specified within this procedure unless there are exceptional circumstances. It will be for Shawclough Primary School to determine what constitutes exceptional circumstances.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request that complainants do not discuss any concerns or complaints publically via social media such as Facebook and X (formerly Twitter). All concerns raised will be taken seriously. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

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.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Shawclough Primary School .

Complaints that are dealt with under other statutory procedures, including those listed below, will not be considered under the School's Complaints Procedure and any complainant will be advised accordingly.

Exceptions	**Who to contact**
Admissions to schools	Concerns about admissions Email: Debra.Kay@rochdale.gov.uk Phone number: 01706 925130
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs Phone number: 01706 925055
School re-organisation proposals	Concerns about school re-organisation proposals should be raised with Rochdale Borough Council Email: Debra.Kay@rochdale.gov.uk Phone number: 01706 925130
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 Email: LADO@Rochdale.Gov.UK Phone: 0300 3030350 Or the Early Help and Safeguarding Hub (EHASH) Email: ehash@rochdale.gov.uk Phone: 0300 3030440
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.* Link to school 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. Volunteer staff who have concerns about our school should complain through the school'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's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. The details of these procedure will remain confidential to the Headteacher and/or the individual's Line Manager. The complainant is not entitled to participate in the proceedings and will not be informed of any disciplinary action taken against an individual 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 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

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 Shawclough Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Shawclough Primary School 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 policies in light of the complaint
- an apology

Roles & Responsibilities

An outline of the roles and responsibilities in the complaints process can be found at appendix 2.

Parental responsibility

Where Shawclough Primary School receives a complaint relating to the application of parental responsibility we will refer to the DfE Guidance DfE Guidance - Understanding and dealing with issues relating to parental responsibility.

Withdrawal of a Complaint

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

Complaint campaigns

If Shawclough Primary School becomes the focus of a campaign and we receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school.

We will respond by either:

- sending a template response to all complainants
- publishing a single response on the school's website

Our response will depend on the nature of the issue being complained about and, depending on the circumstances, may vary from the above due to the nature of the complaint.

Managing serial and persistent complaints

There may 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, please refer to the policy for managing serial and unreasonable complaints towards the end of this policy.

Barring from school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. A person visiting school premises does so subject to a condition that they will behave in an appropriate manner. Headteachers and Governing Boards will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community. School Leaders and Governors should refer to Local Authority advice on Handling Anti-Social Behaviour on School Premises.

If an individual's behaviour is a cause for concern, they can be asked to leave school premises. This is often the most effective action to take but the school may only do this when it is necessary and proportionate in all the circumstances. When incidents occur they need to be responded to quickly. The action required will clearly depend upon the particular circumstances of the incident. It may, for example, be possible to resolve a matter by simply reassuring an upset parent who is behaving inappropriately. At the other extreme it may be necessary to call the Police. The Headteacher or nominated person should consider the circumstances to determine this. In some cases, individuals can be barred from entering

school 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 (complaints committee at stage 2)

The review 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'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.

Stage 1

If the complainant remains dissatisfied that the matter has not been concluded informally, and they wish to take it further, the complainant can submit a formal complaint. This should be within 5 school days of the informal approach. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

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 (on the Complaint Form), or by telephone. Where this is done in person or over the telephone the Complaint Form should be completed by the Headteacher.

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 5 school days. A template acknowledgement letter can be found at appendix 4.

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, if this information has not been provided on the Complaint Form. 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's senior leadership team, or independent party. Where the investigation has been delegated it should be reported back to the Headteacher to make any final decision.

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 (or investigator once the Headteacher has made any final decision) will provide a formal written response. Where possible, this will be within 20 school 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 Shawclough Primary School 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 Board (including the Chair or Vice Chair), a suitably skilled Governor or independent party will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Board must be made to the School Based Clerk to the Governing Board, via the school office, marked as private and confidential.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the Governing Board or Salford Diocese / Manchester Diocese*. Support in appointing an independent investigator can be provided by the Governor Support Team where the school purchases the full service. At the conclusion of their investigation, the independent investigator will provide a formal written response, where possible, within 20 school days. A template letter can be found at appendix 5.

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 Board'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 School Based Clerk to the Governing Board, via the school office, within 10 school days of receipt of the Stage 1 response. In addition to this request, the complainant should submit any documents they intend to rely in at the complaints committee meeting. The complainant should also indicate if they intend to call any witnesses to the proceedings and make the arrangements themselves.

The School Based Clerk to the Governing Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. A template acknowledgement can be found at appendix 6.

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

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

If the complainant rejects the offer of three proposed dates, without good reason, the School Based Clerk to the Governing Board 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 (Maintained Schools) / two School Governors/Academy Trustees and one independent member (Academy Schools) 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 Shawclough Primary School available, the School Based Clerk to the Governing Board will source any additional, independent Governors through another local school or through the Governor Support Team (where the full service has been purchased), in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2 with Governors sourced through another local school or through the Governor Support Team (where the full service has been purchased).

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 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 10 school days before the meeting, the School Based Clerk to the Governing Board 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 that the respondent (the person responsible for providing an outcome from an investigation at stage 1) provides their response (although this may be delivered verbally on the day), any documents they intend to rely in at the complaints committee meeting. The complainant should also indicate if they intend to call any witnesses to the proceedings and make the arrangements themselves.

The documents/information to be collated and shared with Governors for the complaints committee meeting should be those determined by either party as relevant to the complaint being considered, the school's investigation or response, for example (not exhaustive):

- formal notes of meetings
- contemporaneous notes
- reports
- witness interviews
- witness statements
- school polices/procedures/guidance
- extracts of statutory information

It is the responsibility of both parties to ensure that the information they are sharing is compliant with data protection / GDPR and contains appropriate redaction or permission from any third parties.

A template letter is available at appendix 7 outlining the details of the meeting and information exchange.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting; a template letter is available for use at appendix 8. 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 hearing schedule can be found at appendix 3.

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.

The Chair of the Committee will provide the complainant and Shawclough Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school 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 Shawclough Primary School .

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 2 will be heard by a committee of independent Governors with Governors sourced through another local school or through the Governor Support Team (where the full service has been purchased).

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 Shawclough Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied. A template letter is available at appendix 9.

At any stage in the process where the school based Clerk to Governors is referred to, the school may choose to request additional support from the Local Authority Governor Support Team.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

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

The complainant can refer their complaint to the Department for Education online at: 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.

Model policy for managing serial and unreasonable complaints

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

Shawclough Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, 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 into that complaint 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 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 an 'unreasonable' marking.

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 Shawclough Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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

COMPLAINTS PROCEDURE

HANDBOOK

APPENDIX 1

COMPLAINT FORM

Please complete and return to the Headteacher / Chair of Governors / School Based Clerk to the Governing Board – as appropriate, marked as Private and Confidential. You will receive an acknowledgement for your complaint and an outline of the action to be taken.

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant): **NB: If you are a third party acting on behalf on a complainant please ensure you have provided the appropriate consent.**	
Address:	
Email address:	
Day time telephone number:	
Evening telephone number:	

Summary of the facts of the complaint **in chronological order including whether you have spoken to anyone in school about it**	**Dates, times of incidents**	**Witnesses**	**Evidence / paperwork**

Outline here how you have attempted to resolve your concerns informally and the reason this was not a satisfactory solution for you.

Date/s dealt with informally:	
Name of the person you raised your concern with informally:	

What actions / resolution / outcome you would like to resolve your complaint.

Signature:	
Date:	

Official use			
Date received:		**By who:**	
Referred to:		**Date referred:**	

NB: additional lines/spaces can be inserted into this form as required. All sections require completion.

If you are raising this complaint as a third party, acting on behalf of the complainant, consent is required by the complainant. They should complete the following section to confirm this.

I, _____ [PRINT NAME] give consent to

_____ [PRINT NAME] to raise this complaint on my behalf.

I am aware that this will mean you discussing my complaint and any relevant personal information with them.

Signature:	
Date:	

APPENDIX 2

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 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, School Based School Based Clerk to the Governing Board 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.

School Based Clerk to the Governing Board

The School Based School Based Clerk to the Governing Board is the contact point for the complainant and the committee and should:

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

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:
both parties are asked (via the School Based Clerk to the Governing Board) 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 School Based Clerk to the Governing Board (and 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.

APPENDIX 3

COMPLAINTS COMMITTEE SCHEDULE

The Complaints Committee will consist of at least three Governors (Maintained Schools) / two School Governors/Academy Trustees and one independent member (Academy Schools) with no prior involvement or knowledge of the complaint. It may be that the committee is completely independent through the use of the School Governance (Collaboration) (England)Regulations 2003.

In addition to the panel, the following parties will be invited, where applicable:

- the complainant
- the Senior Leader/Governors who dealt with the complaint informally and/or at Stage 1
- any staff members involved/identified as witnesses.

The panel will take the following points into account during proceedings:

- The Chair of the panel will be drawn from the members of the committee
- The Chair will ensure that the meeting is properly managed and minuted
- The committee will consider the complaint impartially and in private
- The meeting will be as informal as possible
- The committee should seek to ensure that they deal with the complaint in a fair and proportionate manner the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease, given potential sensitivities and anxieties.
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend
- The governors sitting on the panel should be aware of the complaints procedure prior to the meeting

The complaints committee procedure to be followed:

(i) Complainant/representative to outline their complaint

(ii) Complainant/representative to present their witnesses (where applicable)
(iii) Questions to the complainant and witnesses (where applicable) from the Headteacher/Chair of Governors
(iv) Questions to the complainant and witnesses (where applicable) from the Governors.
(v) The witnesses should now withdraw from proceedings (where applicable)
(vi) Headteacher/Chair of Governors to outline their response to the complaint outlining the schools actions
(vii) Headteacher/Chair of Governors to present their witnesses (where applicable)
(viii) Questions to the Headteacher/Chair of Governors (where applicable) and witnesses (where applicable) from the complainant/representative
(ix) Questions to the Headteacher/Chair of Governors (where applicable) and witnesses (where applicable) from the Governors.
(x) The witnesses should now withdraw from proceedings (where applicable)

There is now an opportunity for a final summary of the complaint and response. This summary should be brief, clear, and concise and focus on the key points. The summary should only last a few minutes. If it is felt required I will ask that your summary is brought to a close.

(xi) Complainant/representative to outline their summary
(xii) Headteacher/ Chair of Governors to outline their summary

The Chair of the Complaints Committee may adjourn the proceedings at any stage if this appears necessary or desirable. If adjourned for the purpose of enabling further information to be obtained, he/she will specify the nature of that information. Any adjournment will normally be for a stated period.

Following the summing up, both parties, together with their representatives will withdraw. If it is necessary to recall one of the parties for further information before a decision is taken, both parties shall be recalled.

The committee will consider the complaint and must reach a majority decision. The committee will also decide what action (if any) to take to resolve the complaint and, if appropriate, recommend to the full Governing Board changes to ensure similar complaints are not made in future.

The decision of the Complaints Committee of the Governing Board will be confirmed to all parties in writing. No further right of appeal will be available to the complainant under this procedure.

APPENDIX 4

Acknowledgement letter – to be issued within 5 days of receipt of complaint at stage 1

PRIVATE & CONFIDENTIAL

Dear

COMPLAINT – STAGE 1 ACKNOWLEDGEMENT

I am writing to acknowledge receipt of your complaint dated [INSERT DATE], received on [INSERT DATE].

In accordance with the School's Complaints Procedure, this matter will be investigated and you will be provided with a formal written response, where possible, within 20 school days of the date of receipt of the complaint. The person investigating your complaint is [INSERT NAME] Headteacher/Governor/Independent Governor *.

If for any reason we are unable to provide your written response within 20 school days, you will be provided with an update and a revised response date.

Yours sincerely

Headteacher/School Based Clerk to the Governing Board /Governor

NAME OF SCHOOL

APPENDIX 5

Outcome letter – to be issued within 20 days of receipt of complaint at stage 1

PRIVATE & CONFIDENTIAL

Dear

COMPLAINT – STAGE 1 OUTCOME

Further to your complaint received on [INSERT DATE] I am writing to confirm the outcome of my investigation.

I have investigated the concerns as follows:

INSERT INVESTIGATION DETAILS

I can provide the following explanation:

INSERT EXPLANATION

My decision and reasons for this are:

INSERT DECISION & REASONS

The school will now undertake the following actions:

INSERT ACTIONS THE SCHOOL WILL TAKE TO RESOLVE THE COMPLAINT

If you remain dissatisfied with the outcome at stage 1 of the procedure, you can escalate your complaint to stage 2 of the procedure - a meeting with members of the Governing Board's Complaints Committee. Should this be the case, you should write to the School Based Committee Clerk to Governors within 10 school days of receipt of this letter.

Yours sincerely

Headteacher/School Based Clerk to the Governing Board /Governor
NAME OF SCHOOL

APPENDIX 6

Acknowledgement letter – to be issued within 5 days of receipt of complaint at stage 2

PRIVATE & CONFIDENTIAL

Dear

COMPLAINT – STAGE 2 ACKNOWLEDGEMENT

I am writing to acknowledge receipt of your complaint submitted at stage 2 dated [INSERT DATE], received on [INSERT DATE].

In accordance with the School's Complaints Procedure, a Governors Complaints Committee will be convened to hear your complaint within 20 school days of the date of receipt of the complaint.

If for any reason we are unable to arrange the Complaints Committee within 20 school days, you will be provided with an anticipated date.

Yours sincerely

School Based Clerk to the Governing Board /Governor
NAME OF SCHOOL

APPENDIX 7

Invite to Complaints Committee meeting – letter to be issued within 10 days of meeting

PRIVATE & CONFIDENTIAL

Dear

COMPLAINT – STAGE 2 NOTIFICATION OF COMPLAINTS COMMITTEE MEETING

I am writing to inform you that a Complaints Committee meeting has been arranged in connection with your formal grievance received on INSERT DATE as you have advised your concerns were not resolved at the earlier stages.

The details for the meeting are as follows:

Date:

Time:

Location:

In connection with the complaint, please submit to me by [INSERT DATE – 5 school days prior to the committee meeting] any further written material you would like to be submitted to the Committee. The Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint.

You may bring someone along to the meeting to provide support. This can be a relative or friend. If you believe legal representation is appropriate, please contact the School Based Clerk to the Governing Board to discuss the appropriateness of this.

The written materials to be referred to in the meeting will be provided to all parties by [INSERT DATE – 3 school days prior to the committee meeting].

Yours sincerely

School Based Clerk to the Governing Board /Governor
NAME OF SCHOOL

APPENDIX 8

Provision of written materials for the Committee meeting – letter to be issued within 3 days of meeting

PRIVATE & CONFIDENTIAL

Dear

COMPLAINT – STAGE 2

Further to my letter dated INSERT DATE please find enclosed the written materials to be referred to in the meeting and a copy of the schedule to be used on the day.

Yours sincerely

School Based Clerk to the Governing Board /Governor
NAME OF SCHOOL

APPENDIX 9

Committee meeting outcome – letter to be issued within 10 school days of meeting

PRIVATE & CONFIDENTIAL

Dear

COMPLAINT – STAGE 2 OUTCOME

Further the complaints committee meeting that you attend on INSERT DATE accompanied by INSERT NAME, I am writing to confirm the decision made by the Committee.

The Committee has concluded, following consideration of all the information presented, that your complaints be upheld in whole / upheld in part / dismissed in whole / dismissed in part *

The Committee's reasons for this are:

INSERT DECISION & REASONS

NB: If the complaint is upheld in whole or in part, also insert:

The Committee has decided on the following action to be taken to resolve the complaint:

- INSERT ACTIONS TO BE TAKEN TO RESOLVE THE COMPLAINT
- WHERE APPROPRIATE, ALSO RECOMMEND CHANGES TO THE SCHOOL'S SYSTEMS OR PROCEDURE TO PREVENT SIMILAR ISSUES IN THE FUTURE

If you believe we have not handled your complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably you can refer your complaint to the Department for Education either:

- online at: www.education.gov.uk/contactus
- by telephone on: 0370 000 2288
- in writing to: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Yours sincerely

Chair of the Complaints Committee

NAME OF SCHOOL