

# Aylesford School

and Sixth Form College



wonder aspiration respect discipline

## Aylesford School and Sixth Form College

### Complaints Procedure

**'from potential to reality'**

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**Headteacher: Mr Tim Hodgson**

This procedure deals with all natures of complaints.

## **Dealing with Complaints – Initial concerns**

It is important to be clear about the difference between a concern and a complaint. Taking an informal concern seriously at the earliest stage reduces the chance of a formal complaint developing. Whatever the issue, the important thing is to talk to someone at the school as soon as you can. This may all you need to do to resolve the problem and problems are more easily resolved if they are raised as soon as possible. If you are still unhappy after that, this document tells you how to take the matter further. It tells you who to contact and what will happen.

The policy which follows deals with complaints but the underlying principle is that concerns should to be handled, if at all possible, without the need for formal procedures. The need for a complaints procedure does not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the person dealing with the case should receive the first approach. It is helpful at this stage if the initial contact with school is able to resolve issues at the time, recognising issues and responding appropriately.

## **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 Aylesford 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.

## **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. Aylesford 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 office manager or school receptionist will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they 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, Aylesford 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 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 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 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 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 day after the holiday period.

## Scope of this Complaints Procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised Warwickshire County Council  <a href="http://www.warwickshire.gov.uk/admissions">www.warwickshire.gov.uk/admissions</a>            01926 414 143</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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).  <a href="mailto:www.lado@warwickshire.gov.uk">www.lado@warwickshire.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>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>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> <p>This can be viewed on the school website under 'Key Documents A-Z'  <a href="https://www.aylesfordschool.org.uk/page/?title=Safeguarding&amp;pid=25">https://www.aylesfordschool.org.uk/page/?title=Safeguarding&amp;pid=25</a></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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>.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 Aylesford 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.

## Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue have been unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## Framework of Principles

The Complaints Procedure:-

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- allows swift handling within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

## Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:-

- establish what has happened so far, and who has been involved;
- clarifies the nature of the complaint and what remains unresolved;
- meets with the complainant or contacts them (if unsure or further information is necessary);
- clarifies what the complainant feels would put things right;
- interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conducts the interview with an open mind and is prepared to persist in the questioning;
- keeps notes of the interview.

## **Withdrawal of a Complaint**

A complaint can be withdrawn at any point and this can be made verbally and/or confirmed in writing.

## **Resolving Complaints**

At each stage in the procedure the school will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:-

- offer an apology
- offer an explanation
- offer an admission that the situation could have been handled differently or better;
- offer an assurance that the event complained of will not recur
- offer an explanation of the steps that have been taken to ensure that it will not happen again
- offer an undertaking to review relevant school policies in light of the complaint. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

## **Vexatious Complaints**

This procedure should limit the number of complaints that become protracted. However, there are occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chairman of the GB or CEO is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Time-Limits**

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## **Stage One: Complaint Heard by Staff Member - Resolution**

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

2. Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

3. The school will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to the Deputy Headteacher or to the Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of Governors. He/she will:-

- Seek to put right any matter which may have gone wrong
- Review our systems and procedures in the light of the relevant circumstances

4. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher or Deputy Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

5. Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

6. The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the Academy's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 working days. If the target cannot be met a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

7. The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints sheet necessitates this. This may include the complainant, staff and any other person.

8. Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

9. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the Academy will take to resolve the complaint. This may be by way of a general description eg 'Action taken within the Disciplinary Procedure.

10. When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the Academy may be taking to review procedures but details of the investigation or

- of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (eg where staff disciplinary procedures are being followed)

11. This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the response.

12. If no further communication is received from the complainant within 10 working days it will be deemed that the complaint has been resolved and should end.

## **Stage Two: Complaint Heard by the Headteacher - Review**

13. If the complainant is dissatisfied with the way the complaint was handled at stage one, He/she may go to Stage 2 and have the Head teacher hear the complaint. The Head teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

14. 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 10 school days of the date of receipt of the complaint.

15. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. If the complaint is complicated, the final response must be within an eight week period of the complaint being made.

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 Aylesford 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 2.

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 2.

Complaints about the Headteacher or member of the governing body must be made to the Clerk, via the school 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 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **Stage Three: Complaint Heard by Governing Body Complaints Appeal Panel (or by Chair of Governors if not involved in stage 2)**

16. If the complainant is dissatisfied with the outcome at Stage 1 and 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – 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.

17. A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 working days of receipt of the Stage 2 response.

18. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

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

19. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 5 working days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

20. 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.

21. The complaints committee will consist of two governors with no prior involvement or knowledge of the complaint and one independent panel member who has no involvement in the management and running of the school. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

22. The complainant must be allowed to attend the panel hearing. 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.*

23. Representatives from the media are not permitted to attend.

24. At least 5 working 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 5 working days before the meeting.
25. Any written material will be circulated to all parties at least 3 working 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.
  26. 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.
  27. 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 written record of complaints will be kept confidential.
  28. 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.
  29. 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.
  30. The Chair of the Committee will provide the complainant, Aylesford School and where relevant the person being complained about with a full copy of the outcomes and explanation of their decision and the reason(s) for it, in writing, within 10 working days. The records and findings of the complaint will be stored confidentially and will be available for inspection if required.

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 Aylesford School.

If the complaint is:

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

31. Stage 3 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 Aylesford School will take to resolve the complaint.

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

## The Remit of the Complaints Appeal Panel

32. The panel can:-

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

33. There are several points which any governor sitting on a complaints panel needs to remember:-

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised 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 which will satisfy the complainant that his or her complaint has been taken seriously.
- c. 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 Chairman will ensure that the proceedings are as welcoming as possible.

34. The Clerk to the Governors will write and inform the complainant, any witnesses and the panel of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/ interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Principal has the right to bring representation if so desired.

35. Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

## Hearing the Complaint at the Meeting

- the aim of the meeting will be to resolve the complaint and achieve reconciliation between the Academy and the complainant
- in the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence
- the recommended conduct of the meeting is as follows:-
  - a. The Chairman of the panel will welcome the complainant, introduce the panel members and explain the procedure.
  - b. The Chairman of the panel will invite the complainant to explain the complaint.
  - c. The Committee members may question the complainant about the complaint and the reasons why it has been made.
  - d. The Headteacher will be invited by the Chairman of the panel to question the complainant about the complaint and why it has been made.

- e. The Chairman of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chairman of the panel the Principal may invite members of staff directly involved in the complaint to supplement his/her response.
- f. The Committee members may question the Headteacher and/or members of staff about the response to the complaint.
- g. The Chairman of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint.
- h. Any party has the right to call witnesses, subject to the approval of the Chairman of the Committee.
- i. The Committee, the Headteacher and the complainant have the right to question any such witness.
- j. The Headteacher will be invited by the Chairman of the panel to make a final statement.
- k. The complainant will be invited by the Chairman of the panel to make a final statement.
- l. The Chairman of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chairman of the panel will then ask all parties to leave except for members of the Committee.
- m. The Committee will then consider the complaint and all the evidence presented and;
  - i. Reach a decision on the complaint and the reasons for it.
  - ii. Decide upon the appropriate action to be taken to resolve the complaint.
- n. The Governors sitting on the panel need to be aware of the complaints procedure before the meeting.

## 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 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Aylesford School. They will consider whether Aylesford 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](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.

## Complaint Form

Please complete and return to that the attention of Mr Hall, Headteacher, Aylesford School and Sixth Form College who will acknowledge receipt and explain what action will be taken.

Email:office@aylesfordschool.org.uk

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</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 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 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 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 Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

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

- both the complainant and the school are given the opportunity to make their case and seek clarity,

either through written submissions ahead of the meeting or verbally in the meeting itself

- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## 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.