



# Complaints Policy & Procedure

| Amendment History |                                                                                                                                   |             |            |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------|------------|
| Issue             | Reason for Change                                                                                                                 | Ratified by | Date       |
| 1.0               | First issue.                                                                                                                      | -           | July 2008  |
| 1.1               | Reformatted, front sheet added.                                                                                                   | -           | 30.04.2009 |
| 1.2               | Updated to reflect corresponding LA policy changes, reformatted & revised front sheet – issued for consultation only.             | -           | 12.09.2013 |
| 2.0               | Up-issued for formal release.                                                                                                     | FGB         | 27.11.2013 |
| 2.0               | Reviewed – no changes.                                                                                                            | FGB         | 08.07.2020 |
| 2.1               | Reviewed – no changes.                                                                                                            | FGB         | Feb 2023   |
| 2.2               | To reflect changes in new DfE model policy.                                                                                       | FGB         | Sept 2023  |
| 3.0               | Procedures broken down into clearer steps. New provisions for duplicate complaints, campaigns, etc. Guidance added to appendices. | FGB         | 13.10.2026 |
|                   |                                                                                                                                   |             |            |

# 1 Introduction

## 1.1 Who can make a complaint?

- 1.1.1 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 Red Hill CE Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see section 1.7), we will use this complaints procedure.

## 1.2 The difference between a concern and a complaint

- 1.2.1 A concern is defined as ***an expression of worry or doubt over an issue considered to be important for which reassurances are sought.***
- 1.2.2 A complaint is defined as ***an expression of dissatisfaction however made, about actions taken or a lack of action.***
- 1.2.3 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. Red Hill CE Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 1.2.4 Nonetheless, a complainant has the right to submit a Stage 1 formal complaint without having to raise an informal concern first.
- 1.2.5 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. 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.
- 1.2.6 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Red Hill CE Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 1.3 Duplicate complaints

- 1.3.1 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject (for example from a partner, family member or other individual), we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:
- a) Tell the new complainant that we have already investigated and responded to this issue, and that the process is complete.
  - b) Direct them to the DfE if they are dissatisfied with our original handling of the complaint.
- 1.3.2 If a duplicate complaint is raised which, in the view of the school, warrants further consideration, it will be investigated and dealt with to the full extent of this complaints procedure.

- 1.3.3 If a duplicate complaint is received whilst an investigation is still ongoing, the new complainant will be informed that this is the case and that no further details or response can be given until the ongoing complaints process has ended.

## 1.4 Complaint Campaigns, Group Complaints

- 1.4.1 Where the school receives a large volume of complaints about the same topic or subject, we will respond to these by sending a template response to all complainants and/or publishing a single response on the school's website.
- 1.4.2 The response will include advice on how to refer the complaint to the Department of Education if complainants remain dissatisfied with the outcome.

## 1.5 Anonymous complaints

- 1.5.1 We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, as appropriate, will determine whether the complaint warrants an investigation.

## 1.6 Unreasonable & Vexatious Complaints

- 1.6.1 Lengthy emails/letters will be deemed unreasonable. If the school receives a concern or Stage 1 complaint greater than 500 words, we will ask the complainant to make a more concise submission before starting the formal procedure.
- 1.6.2 If the complainant has additional supporting evidence, this will be considered in due course as part of the formal investigation.
- 1.6.3 The school has a separate policy for dealing with vexatious behaviour (which does not necessarily have to relate to a complaint). This can be viewed on the school's website or a copy requested from the school office.
- 1.6.4 We define vexatious complaints as those which hinder our consideration of the issue 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 engage/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, threatening, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes sensitive information on social media or other public forums
- makes multiple complaints (either about the same matter or many different matters)
- demands redress that lacks any serious purpose or value
- does not follow, or attempts to bypass, the school's complaints procedure

1.6.5 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.

## 1.7 Serial Complaints

- 1.7.1 We will do our best to be helpful to people who contact us with a concern or complaint.
- 1.7.2 However, there will be occasions when, despite all stages of the complaint procedure having been followed, a complainant remains dissatisfied. If a complainant tries to re-open the same issue, we will inform them that the procedure has been completed and that the matter is now closed.
- 1.7.3 If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond.
- 1.7.4 We will not stop responding just because a complainant is difficult to deal with or asks complex questions.
- 1.7.5 A complainant exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached, is not justification for marking the complaint as 'serial'.
- 1.7.6 We will not refuse to accept further correspondence or complaints from an individual we have had repeat or excessive contact with. The application of a 'serial' or 'persistent' marking is against the subject or complaint itself, rather than the complainant.
- 1.7.7 The decision to stop responding is never taken lightly. We will only stop responding if all of the following apply:
- a) we have taken every reasonable step to address the complainant's concerns
  - b) the complainant has been given a clear statement of our position and their options
  - c) the complainant contacts the school repeatedly, making substantially the same points each time

## 1.8 Scope of this Complaints Policy

- 1.8.1 This policy covers all complaints about provision of community facilities or services by Red Hill CE Primary School other than those dealt with under statutory procedures such as:

| Exceptions                                                                                                            | Who to contact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Admissions to schools<br>Statutory assessments of Special Educational Needs (SEN)<br>School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority (LA), Worcestershire County Council.<br><a href="https://www.worcestershire.gov.uk/contact">https://www.worcestershire.gov.uk/contact</a>                                                                                                                                                                                                                                                                                                                                                                                                 |
| 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.<br><br>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.                                                                                                                                                                                                                                                                                                                                                                                 |
| Exclusion of children from school                                                                                     | 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> .<br><br>N.B. complaints about the application of the Behaviour and Relationships policy can be made through this school complaints procedure                                                                                                                                                                                                                                                                                                                                                   |
| Whistleblowing                                                                                                        | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.<br><br>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><br><br>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 (including contracted-in staff such as the Clerk to Governors)                                          | Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.<br><br>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.                                                                                                                                                                                                                                                                                                                                                                              |
| Complaints about services provided by other providers who may use school premises or facilities                       | Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| National Curriculum - content                                                                                         | Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Data breaches and other complaints about data protection                                                              | Concerns should be raised with the Headteacher in the first instance. Formal complaints are handled by the school's Data Protection Officer (DPO).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Collective worship                                                                                                    | Please contact the Diocese of Worcester Education Team.<br><a href="https://www.cofe-worcester.org.uk/education-team.php">https://www.cofe-worcester.org.uk/education-team.php</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

## 2 How to raise a concern or make a complaint

**NOTE:** the term “in writing” includes handwritten, printed or typed letters, and email. Such communication should be marked Private and Confidential.

### 2.1 Initial Steps

- 2.1.1 Before raising a concern or complaint, we recommend reading Parentkind’s practical guide to school complaints, available from the school office or from <https://www.parentkind.org.uk/parent-guide-to-raising-concerns-with-your-childs-school>
- 2.1.2 A concern can be made in person, by telephone or in writing. An optional complaint form template is included in Appendix E, this can be filled in or used as a guide to write your own complaint if you wish. It can be used at any stage (informal, stage 1 or stage 2). If you require help in completing the form, please contact the school office. You can also ask third party organisations like Citizens Advice to help you.
- 2.1.3 Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may prevent them from considering complaints at a later stage of the procedure.
- 2.1.4 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.

### 2.2 Raising a Concern

- 2.2.1 Concerns should be raised initially with the Class Teacher. If the concern remains unresolved, you can pass this to the Phase Leader, the School Business Manager (SBM) or Deputy Headteacher (DHT).
- 2.2.2 If the issue still remains unresolved, the next step is to make a Stage 1 formal complaint.

### 2.3 Making a Complaint

- 2.3.1 A formal complaint must be put in writing. The school office can help with this if needed. Complaints may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 2.3.2 A complaint should be raised with the Headteacher (unless they are about the Headteacher, see next paragraph). They should be addressed to the Headteacher via the school office or emailed directly to [head@redhill.worcs.sch.uk](mailto:head@redhill.worcs.sch.uk).

### 2.3.3 Complaints that involve or are about:

- a) the Headteacher, or
- b) an individual governor

must be sent to the Chair of Governors via the school office ([office@redhill.worcs.sch.uk](mailto:office@redhill.worcs.sch.uk)) or via the Clerk to Governors ([clerk@redhill.worcs.sch.uk](mailto:clerk@redhill.worcs.sch.uk)).

### 2.3.4 Complaints about:

- a) the Chair of Governors
- b) the Chair and Vice Chair jointly
- c) the majority of the governing body, or
- d) the entire governing body

must be sent to the Clerk to Governors via the school office or emailed directly to [clerk@redhill.worcs.sch.uk](mailto:clerk@redhill.worcs.sch.uk).

### 2.3.5 In all cases, the person receiving the complaint becomes the **Complaints Coordinator**.

## 2.4 Time scales

- 2.4.1 A complaint must be raised 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 only if exceptional circumstances apply.
- 2.4.2 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.
- 2.4.3 If a complainant commences legal action against Red Hill CE 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.
- 2.4.4 If a complainant commences a Subject Access Request (SAR) in relation to their complaint, the complaints procedure may be suspended until the SAR has been concluded.

## 2.5 Complaints received when school is closed

- 2.5.1 We will consider complaints made outside of term time, or when the school is otherwise closed, to have been received on the first day of reopening.

## 2.6 Resolving complaints

- 2.6.1 At each stage in the procedure, Red Hill CE Primary School wants to resolve the complaint. As appropriate, we will acknowledge that the complaint is upheld (in whole or in part) or dismissed. In addition, we may offer one or more of the following:
- a) an explanation
  - b) an admission that the situation could have been handled differently or better
  - c) an assurance that we will try to ensure the event complained of will not recur
  - d) 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
  - e) an undertaking to review school policies in light of the complaint
  - f) an apology.

## 2.7 Early Closure of a Complaint

- 2.7.1 The school will endeavour to fully complete the complaints procedure through to resolution. There are some scenarios, however, where we reserve the right to close a complaint early, as follows:
- a) the complainant wants to withdraw their complaint and confirms this in writing
  - b) the complainant does not respond to the school's requests for information or clarification within 10 school days of the request without good reason
  - c) the complaint falls outside the scope of this policy, in which case it will be closed as a school complaint under this procedure and redirected to the appropriate statutory process, see section 1.7
  - d) the complainant's behaviour and/or language becomes abusive or aggressive, including making insulting personal comments about, or threats towards, staff (the school must show evidence of such behaviour; not simply disagreement)
- 2.7.2 Sometimes the school may take steps to resolve issues before the complaints procedure is concluded. This does not automatically end the complaint process and the complainant has the right see the formal investigation followed through to completion. It may be necessary to reclarify what remains unresolved and what outcome(s) the complainant is seeking.

## 3 Stage 1 - Formal Complaint

### 3.1 Procedure

- 3.1.1 After receiving a formal complaint (see section 2.3), the Complaints Coordinator 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.
- 3.1.2 Within this response, the Complaints Coordinator will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Complaints Coordinator can consider whether a face to face meeting is the most appropriate way of doing this.
- 3.1.3 The Complaints Coordinator will then carry out an investigation, or delegate the investigation to another suitable person. For example: the Headteacher may delegate to another member of the school's senior leadership team; or the Chair of Governors may delegate to a suitably skilled governor.
- 3.1.4 In some cases (including complaints against the entire governing body or those involving both the Chair and Vice Chair), an independent external investigator will be used. This could be a governor from another school or academy, someone from the local authority, someone from the Diocese of Worcester, or a paid professional such as a school improvement advisor.
- 3.1.5 During the investigation, the Complaints Coordinator or their delegated investigator will:
  - a) if appropriate, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - b) keep a written record of any meetings/interviews in relation to their investigation
  - c) summarise the investigation in a written report; including, where appropriate, recommendations for the school and/or the complainant
- 3.1.6 Based on the outcome of the investigation, the Complaints Coordinator (but not a delegated investigator) will decide if the complaint is upheld either in part or in full, or dismissed.
- 3.1.7 At the conclusion of the investigation, the Complaints Coordinator will provide a formal written response within 10 school days of the date of receipt of the complaint. If the Complaints Coordinator is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 3.1.8 The response will summarise the 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.
- 3.1.9 The Complaints Coordinator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

### 3.2 Escalation to Stage 2

- 3.2.1 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 (see next section).

## 4 Stage 2 - Appeal

### 4.1 Request to Escalate

- 4.1.1 A request to escalate to Stage 2 must be made in writing and addressed to the Clerk to the Governing Body via the school office or emailed directly to the Clerk at [clerk@redhill.worcs.sch.uk](mailto:clerk@redhill.worcs.sch.uk), within 5 school days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 4.1.2 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 school days.

### 4.2 Complaints Panel

- 4.2.1 Stage 2 involves a hearing – a meeting with a complaints panel. The purpose of the panel is to consider the complaint afresh, thus ensuring there is a mechanism by which decisions are considered independently.
- 4.2.2 The panel will not repeat the investigation carried out at Stage 1, but may consider the school's handling of the complaint at earlier stages. This is an auxiliary role of the panel, recognising that one of the DfE's roles in cases of referral is to review a school's handling of a complaint.
- 4.2.3 The panel will be formed of three governors as and when a Stage 2 complaint is received. This ad-hoc approach allows for greater freedom in sourcing suitably skilled and impartial governors on a case-by-case basis.
- 4.2.4 In most cases, the Chair of Governors and the Clerk to Governors will work together to determine the exact nature of the complaint and so identify suitably skilled<sup>1</sup>, impartial<sup>2</sup> members with no prior knowledge<sup>3</sup> or conflicts of interest.
- 4.2.5 If there are fewer than three governors from Red Hill CE Primary School available, additional independent governors will be sourced from another local school or academy, or through the Local Authority's Governor Services team, or through the Diocese of Worcester. Any category of governor may be approached, including associate members.
- 4.2.6 If the complaint is about an individual governor, then at least one member of the panel will be independently sourced as per paragraph 4.2.5 above.
- 4.2.7 If the complaint is about the Chair of Governors, then the Vice Chair and the Clerk to Governors will work together to identify suitable panel members, with at least one independent member being sourced as per paragraph 4.2.5 above.

---

<sup>1</sup> The panel chair and at least one other member of the panel must have undertaken relevant training.

<sup>2</sup> 'Impartial' means a governor who has no conflict of interest, perceived or real, due to a relationship with one or more individuals involved in the complaint; for example social, financial, religious, professional, classroom or family connections, internal or external to the school.

<sup>3</sup> 'Prior knowledge' means a governor who is privy to details of the complaint, including formal correspondence and/or involvement in this or any previous stage (often the Chair of Governors). Simply being aware that a complaint has been raised does not in itself constitute prior knowledge. We generally consider that governors with no prior exposure to the complaint are suitable, unless the complainant provides us with evidence to the contrary.

- 4.2.8 If the complaint is jointly about the Chair and Vice Chair, the majority of the governing body or the entire governing body, then the Clerk to Governors will arrange for all three members of the panel to be independently sourced as per paragraph 4.2.5 above.
- 4.2.9 Staff Governors and the Chair of Governors will not normally be appointed to a panel, due to their possible prior knowledge and the potential for conflicts of interest, perceived or real.
- 4.2.10 The panel members will agree amongst themselves who to appoint as the panel chair.

### 4.3 Prior to the Hearing

- 4.3.1 Once it is clear what the nature of the complaint is, the panel will determine what evidence they need and may request additional evidence. The panel has the authority to adjourn this procedure until it has received, or is confident it will receive at the hearing, all the necessary evidence.
- 4.3.2 The panel will make such requests for additional evidence from any party via the Clerk.
- 4.3.3 The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 4.3.4 The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

### 4.4 Arranging the Hearing

- 4.4.1 It is encouraged that the panel hearing is convened in person at the school or other suitable space (such as a community hall), with all parties in attendance. However, virtual attendance by one or more persons may be considered if this facilitates the process being advanced fairly and without unnecessary delay. The panel has final discretion on this, including whether attendance is appropriate at all, but must be sensitive to the needs of all parties, taking into account venue accessibility and a party's request to submit written representations in lieu of attendance.
- 4.4.2 All evidence in the form of written material, along with an agenda for the hearing, will be circulated to all parties at least 5 school days before the date of the hearing.
- 4.4.3 With the above in mind, the Clerk will work with the panel and the school to identify a minimum of three possible dates for the hearing. They should aim to convene the hearing within 15 school days of receipt of the Stage 2 complaint request (clause 4.1 above), but only if this is feasible.
- 4.4.4 Effort should be made to propose dates and times that are convenient for all parties, and give reasonable notice of at least 7 school days. Complainants should be aware that governors are not employees and may not receive the communication immediately, and have other (non-school related) commitments.
- 4.4.5 The Clerk will write to all parties to inform them of all the proposed dates and times in a single offer. If a party rejects all the dates and times without good reason, the Clerk will select one of the dates. The hearing will then proceed in the absence of that party on the basis of written submissions.
- 4.4.6 Any absent party must accept that the absence of an oral account may mean the panel cannot clarify the absent party's evidence, potentially weakening the weight the panel can give to that evidence.

- 4.4.7 The panel must be mindful of maintaining balance and not draw an adverse inference solely from non-attendance of one or more parties.

## 4.5 At the Hearing

- 4.5.1 Each party may bring someone along to provide support, but this person is not allowed to contribute to the meeting. This can be a relative or friend. Generally, we do not encourage any party to bring legal representatives to the hearing. However, there may be occasions when legal representation is appropriate, for instance a school employee may wish to be supported by union and/or legal representation<sup>4</sup>.
- 4.5.2 Any party planning to bring someone along for support must notify the Clerk to Governors at the same time as accepting the proposed date and time.
- 4.5.3 Representatives from the media are not permitted to attend.
- 4.5.4 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.

## 4.6 After the Hearing

- 4.6.1 Immediately after the hearing, the panel will consider the complaint and all the evidence presented. The panel can:
- a) uphold the complaint in whole or in part
  - b) dismiss the complaint
- 4.6.2 If the complaint is upheld in whole or in part, the panel will decide on the appropriate action to be taken to resolve the complaint.
- 4.6.3 Regardless of the outcome, the panel may recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 4.6.4 The panel chair will write a decision letter providing the complainant and the school with a full explanation of their decision and the reason(s) for it, within 5 school days.
- 4.6.5 The letter will include 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. It will also include details of how to contact the Department for Education if any party is dissatisfied with the way their complaint has been handled.
- 4.6.6 A copy of the letter will also be sent to the headteacher and any other relevant parties involved.
- 4.6.7 The outcome of the panel's decision will be reported to the Full Governing Board (but not the details of the complaint).

---

<sup>4</sup> 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. A more typical reason for staff to be invited to a panel hearing under this procedure is as a witness to an incident.

## 5 Next Steps

### 5.1 Right to Refer

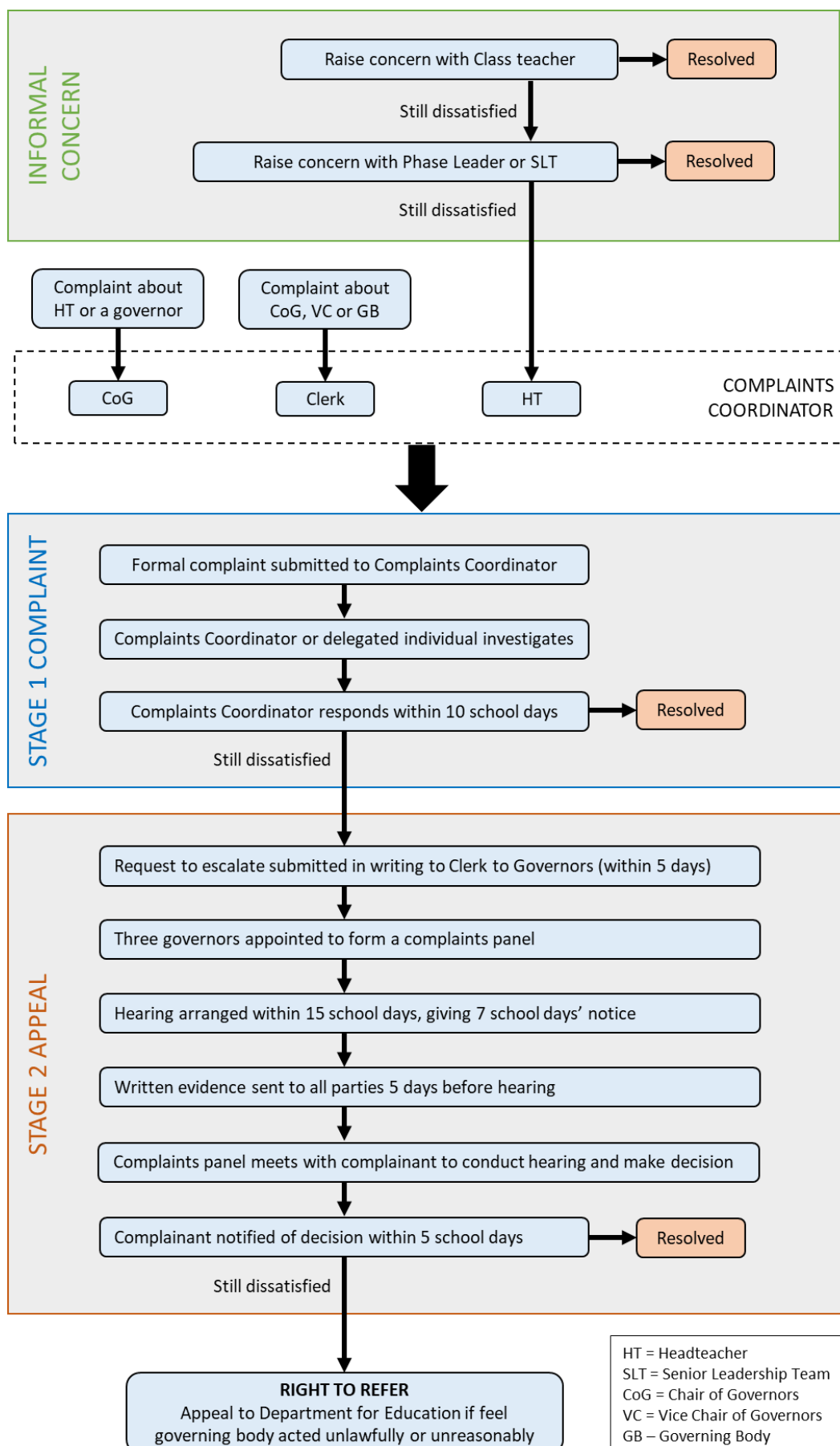
- 5.1.1 If the complainant believes the school did not handle their complaint in accordance with this published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they have the right to refer their complaint to the Secretary of State for Education. They can do this by contacting the Department for Education after Stage 2 has been concluded.
- 5.1.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the complaints panel. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.
- 5.1.3 The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](https://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

### 5.2 Learning Lessons

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

# A Summary of Complaints Process



## B Guidance on Roles

### B.1 Complainant

- B.1.1 The complainant will receive a more effective response if they:
- a) explain the complaint in full as early as possible
  - b) co-operate with the school in seeking a solution to the complaint
  - c) respond promptly to requests for information or meetings or in agreeing the details of the complaint
  - d) ask for assistance as needed
  - e) treat all those involved in the complaint with respect
  - f) respect the confidentiality of everyone involved

### B.2 Complaints Coordinator

- B.2.1 The complaints co-ordinator is the person receiving a Stage 1 complaint. This is normally the Headteacher, but in some cases it will be the Chair of Governors or the Clerk to Governors, see section 2.3.
- B.2.2 The complaints co-ordinator oversees the Stage 1 procedure (see section 3). They will:
- a) ensure that the complainant is kept updated on progress and delays
  - b) liaise with staff members, the Headteacher, Chair of Governors, Clerk and Local Authorities as appropriate to ensure the smooth running of Stage 1
  - c) make and securely store records, and be ready to provide these to the Clerk if the complaint is escalated at a later date
  - d) make the decision to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details
  - e) take on the role of investigator (see next section), or delegate this to another suitable person.
- B.2.3 The complaints co-ordinator needs to be mindful of issues regarding:
- a) handling<sup>5</sup> third party and/or sensitive personal information
  - b) additional support which may be needed by complainants, including interpretation support or where the complainant is a child or young person

---

<sup>5</sup> 'handling' may include receiving, storing, processing, protecting, sharing and/or deleting information

## B.3 Investigator

- B.3.1 The investigator's role is to establish the facts relevant to a Stage 1 complaint (see section 3).
- B.3.2 They must provide a comprehensive, open, transparent and fair consideration of the complaint by:
- a) sensitive and thorough interviewing of relevant parties to establish what has happened and who has been involved; this may include the complainant if not already interviewed by the complaints coordinator.
  - b) interviewing witnesses such as staff and children/young people, and other people relevant to the complaint
  - c) analysing records and other relevant information
- B.3.3 The investigator should:
- a) conduct interviews with an open mind and be prepared to persist in the questioning
  - b) keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
  - c) ensure that any papers produced during the investigation are kept securely pending any appeal
  - d) be mindful of the timescales to respond
  - e) prepare a comprehensive report for the complaints coordinator that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- B.3.4 If the role of investigator has been delegated to another person by the complaints coordinator, then it is the complaints coordinator, not the delegated investigator, who determines whether to uphold or dismiss the complaint and communicate that decision to the complainant.

## B.4 Clerk to the Governing Body

- B.4.1 The Clerk is the contact point for the complainant during Stage 2 (see section 4). It is not recommended that members of the complaints panel or other governors (including Chair of Governors) correspond with the complainant directly. This ensures the Clerk is able to keep a full and accurate record of all correspondence with the complainant, and can act as a check to ensure information being released to the complainant is appropriate.
- B.4.2 The Clerk ensures 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).
- B.4.3 As with other areas of governance, the Clerk is a source of guidance on procedural matters and should advise the panel chair as required.
- B.4.4 The Clerk will:
- a) 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
  - b) work with the panel chair to set an agenda for the hearing

- c) 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
- d) record the proceedings of the hearing (take minutes) and circulate these
- e) distribute the panel chair's decision letter to all relevant parties

## B.5 Panel Chair

B.5.1 The panel chair must work effectively with the Clerk to Governors to confirm that:

- a) 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
- b) written material has been seen in advance by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- c) no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

B.5.2 At the hearing itself, the panel chair must ensure that:

- a) the meeting is conducted in an informal manner, is not adversarial, and that everyone is treated with respect and courtesy
- b) 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
- c) the remit of the panel is explained to the complainant
- d) 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
- e) 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
- f) the hearing remains balanced and fair throughout
- g) the issues are addressed and key findings of fact made
- h) the panel is open-minded and acts independently

## B.6 Panel Member

### B.6.1 Panel members must be aware that:

- a) the meeting must be independent and impartial, and should be seen to be so
- b) no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- c) the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- d) many complainants will feel nervous and inhibited in a formal setting
- e) parents/carers often feel emotional when discussing an issue that affects their child

### B.6.2 Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

### B.6.3 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 panel considers is not in the child/young person's best interests.

### B.6.4 If the child/young person is the complainant:

- a) the panel should ask in advance if any support is needed to help them present their complaint
- b) careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
- c) the panel should respect the views of the child/young person and give them equal consideration to those of adults
- d) the welfare of the child/young person is paramount.

### B.6.5 Panel members need to 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.

## C Guidance on Stage 1 Report

C.1.1 Below is a guide for the contents and structure of a Stage 1 formal complaint investigation report, to be written by the investigator. If used, it should be tailored to suit the specific circumstances of each complaint (for example not all sections may be appropriate, or additional sections might be needed).

### 1. Summary & Scope

- Date the complaint was received.
- Stage of the procedure
- What the investigation will and will not cover
- Key questions the investigation aims to answer

### 2. Conclusion

- Clear statement on whether the complaint is
  - a. Upheld
  - b. Partially upheld
  - c. Dismissed
- Brief rationale for the conclusion.

### 3. Recommended Actions

(regardless of the conclusion)

- Actions for the school
- Actions for the complainant (if appropriate)
- Timescales for completion and who is responsible
- Or there may be nothing to recommend

### 4. Method of investigation

- How information was gathered (e.g., meetings, written statements, review of records).
- Dates of interviews.
- Documents reviewed (e.g. policies, logs, emails, etc).

### 5. Factual Findings

- Chronological account of events based on evidence.
- Summary of each person's account (staff, pupils, witnesses).
- Any discrepancies or areas where evidence is incomplete/unavailable.

### 6. Analysis

- Consideration of whether school procedures/policies were followed.
- Identification of any mitigating factors.

## D Guidance on Stage 2 Hearing Agenda

D.1.1 Below is a suggested agenda for a Stage 2 hearing with a complaints panel and attending parties. It is a guide only and should be tailored to suit the specific circumstances of each complaint as appropriate. It is for the panel chair and the Clerk to Governors to decide on the precise agenda.

D.1.2 It is important that the agenda promotes a balanced and fair meeting, allowing all parties an equal opportunity to make their case and seek clarity.

### 1. Welcome & Introductions

- Chair welcomes the complainant and introduces panel members and the clerk.
- Any other people present introduce themselves

### 2. Explanation of the Procedure

- Chair to confirm the purpose of the panel and explains the complaints panel process.
- Clarification of roles of the panel, clerk, complainant, and school representatives.
- Confirmation of confidentiality expectations.

### 3. Confirmation of the Complaint

- Chair summarises the complaint being considered.
- Clarification of the outcome sought by the complainant.

### 4. Complainant representation

- Complainant presents their case and supporting evidence.

### 5. Questions from the Panel/school

- Panel members and school ask questions of the complainant, through the chair.

### 6. School presentation

- School representative presents the school's response.

### 7. Questions from the Panel/complainant

- Panel members/complainant ask questions of the school, through the chair.

### 8. Final Statements

- Complainant given opportunity to summarise their response.
- School representative given opportunity to summarise the school's response.

*All parties leave the meeting at this point*

### 9. Panel Deliberation

- The panel considers the evidence and comes to a decision.

This template is optional. It can be printed and filled in, or used as a guide to write your own complaint. Please refer to section 2 of our complaints policy which explains how to submit your complaint. If you require further help in completing the form, please contact the school office.

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:****Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it (please limit to 500 words).**

**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:**

## F Template - Panel Decision Letter

This template is optional. It can be used as is, or used as a guide to write a more tailored letter.

*[Insert Date]*

### **Confidential: complaints panel outcome**

Dear *[name of complainant]*,

Following the complaints panel hearing held on *[date]*, I am writing to inform you of the panel's decision.

Your complaint was *[summarise complaint]*.

The following evidence was considered *[summarise evidence]*.

After reviewing the evidence and questioning those concerned, the panel has:

- *[upheld the complaint in whole/in part ]*

OR

- *[not upheld the complaint and no further action will be taken]*

*[Whatever the outcome, clearly state the reason(s) for the decision reached and outline any recommendations issued to the school to achieve reconciliation and resolution.]*

*[If a complaint is upheld in whole or in part, one or more of the following may also be included:*

- *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]*

If you believe the school did not handle your complaint in accordance with the published complaints procedure or it acted unlawfully or unreasonably in the exercise of its duties under education law, you can refer your complaint to the Department for Education (DfE).

The DfE will not normally re-investigate the complaint or overturn the panel's decision but will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

You can refer your complaint to the DfE online at [www.education.gov.uk/contactus](https://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.

Yours sincerely,

*[Panel chair OR clerk on behalf of the panel]*