

# Barrow Hall School Complaints Procedure

## Model School Complaints Procedure

Before embarking on a formal complaints process it is important that all parties peruse the whole of this procedure and seek clarification for any aspects of which they are unsure.

This complaints procedure was ratified by the full governing body of Barrow Hall Primary School on 12<sup>th</sup> May 2016.

The procedure was discussed with the teaching staff

On 14<sup>th</sup> May 2016.

The procedure will be available on the school's website, from the school office and distributed to all new families as part of their induction pack; for example, when starting in Nursery/Reception class.

Next review Summer 2018

# Model School Complaints Procedure

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## Model School Complaints Procedure

### **i. Overview**

Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.

### **ii. Context**

Parental concerns and complaints are a reality of the day-to-day life and work of schools and most informal complaints are handled with much success, drawing upon effective parent-school relationships and an “open-door” approach to complaining.

### **iii. Commitment**

This school is committed to:

- a robust complaints procedure
- a positive ethos and outlook to complaints and complainants
- access to training for staff and governors e.g. via annual discussion and review of the procedure
- addressing the complaint informally wherever possible
- providing a termly update about complaints to governors (anonymised where appropriate)
- having an appropriately appointed complaints committee in place
- a whole-school approach towards dealing with concerns and complaints
- communicating regularly with parents
- a willingness to learn from complaints where appropriate.

However, the following should be taken into account:

- Complaints that move beyond the informal stage are by their nature rare and it may take several “live” complaints to test the robustness of the school’s procedure
- All complaints are unique and so there should sometimes be some flexibility in how a complaint is addressed. Where this is the case, for example changes to timescales, it should be discussed with, and agreed by all parties
- Complaints that move beyond the informal stage are often stressful for all concerned and this should be borne in mind by all parties.
- Due to their rare nature, those addressing complaints may have limited experience of dealing with them and all concerned should try to be understanding of this; communication is the key and a clear and mutual understanding of what is happening, why and when is useful

### **iv. Purpose**

This procedure aims to reassure parents, and others with an interest in the school, that any complaint will be dealt with in an open, fair and responsive way.

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### v. Scope

A complaint is defined as a clear statement of dissatisfaction with the school or its work.

The difference between concerns and complaints 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 generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

### vi. Dealing with complaints

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

**There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within their procedure.**

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. Where appropriate, staff will resolve issues on the spot, including apologising where necessary.

Complaints may be made by telephone, email, in person or in writing. At the formal stage (**Stage 2**) a written complaint needs to be provided using the form in **Annex B**. However, Schools must ensure that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the complainant may have communication preferences due to disability or learning difficulties and schools must allow alternative methods of contact:

- A complaint may be made in person, by telephone, or in writing;
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access the discussions at a later point; this can only happen when all parties are in agreement to the recording.

#### **Serial and persistent complaints**

Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately.

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There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

- i. If the complainant contacts the school more than twice on the same issue, then the correspondence – may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.
- ii. Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.
- iii. **Is it time to stop responding?**
- iv. The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:
- v. The school has taken every reasonable step to address the complainant's needs;
- vi. The complainant has been given a clear statement of the school's position and their options (if any); and
  - They are contacting the school repeatedly but making substantially the same points each time.
  - The case is stronger if the school agrees with one or more of these statements:
  - The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
  - Their letters/emails/telephone calls are often or always abusive or aggressive.
  - They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

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If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the Senior Advisor team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

- i. Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.
- ii. Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.
- iii. **Formal procedures**

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

It is important that:

- from the outset, complainants state what actions they feel might resolve the problem
- the school provides the complaints procedure to the complainants, if their complaint has not been resolved informally
- the complainants complete the complaints form (**Annex B**) and that the school brings this form to their attention, making support available for its completion (or other reasonable adjustments) if necessary.

However, all parties should bear in mind that, because of the unique nature of complaints it can sometimes be difficult to ascertain when a complaint has become formal.

To help this, both parties should try to:

- communicate clearly
- agree that the complaint has become formal
- agree what stage the complaint is at
- agree the next steps, referring to the procedure.

#### iv. **Framework of principles**

This school's complaints procedure and process will:

- encourage resolution of problems by **informal** means wherever possible
- be **publicised** on the school's website
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time-limits** for action
- will keep people informed of progress

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- ensure a full and fair investigation where necessary
- respect **confidentiality**
- provide a response and **appropriate** redress, where necessary
- provide **information**, as appropriate, to the school's senior management team so that services can be improved.

### v. Investigating complaints

The person investigating the complaint will endeavour to:

- establish **what** has happened so far, and **who** has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or speak to them by telephone
- clarify what the complainant feels would put things right
- speak to those involved in the matter and those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview and of all discussions/meetings at the formal stage including telephone calls
- independently minute interviews and committee meetings
- identify areas of agreement between the parties
- clarify any misunderstandings that might have occurred on both sides
- create a positive atmosphere in which to discuss any issues
- ensure that a focus on the **original complaint is maintained**, as stated on the Complaints Form provided by the complainants.

**NB** Further complaints, even if arising from the process, will usually be regarded as **new** complaints and progressed accordingly, using this procedure. Alternatively, if they are to be progressed with the original complaint this will be at the **discretion of those leading the relevant stage** when an additional complaint arises. It will be **made clear** to the complainants if any arising issues will be dealt with as part of the original complaint or as a new complaint.

### vi. Resolving complaints

At each stage of the procedure the school will keep in mind ways in which a complaint may be resolved. If appropriate, it may be acknowledged that the complaint is valid in whole or in part.

It may be appropriate to offer one or more of the following as a resolution:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

**NB** The above would be provided in an appropriate form, that is, written or verbal, usually to the **complainant only** and in such a way as to maintain the dignity of



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those involved. Any actions for improvement or learning points arising from a complaint will be shared with the governing body and or staff if appropriate.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

### vii. **Time limits and flexibility**

By their very nature, complaints may be unique and whilst it is important that this procedure is followed as closely as possible there may, in rare instances, be the need for some flexibility in its application in order to ensure a full and fair process for all concerned.

Complaints will be considered, and resolved, as quickly and efficiently as possible, balanced against realistic expectations. Time limits for each action have been provided within each stage. On occasion, there may be the need for some flexibility. For example, if there is a need for further meetings between the complainant and the member of staff directly involved and or further investigations are required.

**It is important that all parties are aware of any deviations in timescales and the reasons for them. Proposed alterations to timescales should be notified in advance and reasons given.**

All time scales refer to **working school days**, for this school, excluding school holidays, inset days and bank holidays

### **Governing Body Review**

- Complaints should not be shared with the whole governing body, except in very general terms, in case an appeal panel needs to be organised;
- If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for an independent panel to hear the complaint. They may approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;
- Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools should consider the request but ultimately, the decision is made by the governors;
- The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, schools may also identify underlying issues that need to be addressed. The monitoring and review of complaints can be a useful tool in evaluating a school's performance. The governing body may wish to consider using complaints and review their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure;
- It is the governing body which determines how often the complaints procedure is reviewed however the department suggests as good practice that it is reviewed regularly; every two to three years is quite typical. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes.

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Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the head teacher. If projected review dates are published on the policy document they should be adhered to. Failure to do so could constitute a failure to adhere to a policy.

### Convening a complaints committee

The **full governing body** will review the establishment, terms of reference, constitution and membership of the complaints **annually**, as with any other committee. The committee must have a Chair who is appointed either by the full governing body, or the committee. The governing body must appoint a clerk to the committee who must take minutes. Members of the committee, as established by the full governing body, have a right to attend the committee unless, for example, they have prior involvement as stated below. Governors should follow the procedures as outlined in the **Governors handbook** regarding committees (this term is inter-changeable with “panel”).

Governing body committees will be independent and impartial and seen to be so. No governor may sit on the committee if they have had prior involvement in the complaint or in the circumstances surrounding it. There will be clear arrangements should a member of the committee be unable to serve, such as, the first three available governors alphabetically. In deciding the make-up of the committee, governors need to try to ensure that it is a cross-section of the categories of governor and sensitive to issues of race, gender etc.

### Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

#### Exceptions

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
  
- Exclusion of children from school
  
- Whistleblowing

#### Who to contact

Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.

Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

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- Staff grievances and disciplinary procedures      These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
- 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. They should be contacted direct.

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### The Stages of complaints

There are three stages:

- Stage one: Complainant discusses the matter with an appropriate member of staff such as: the person against whom the complaint is being made (if appropriate and only if an adult), the complaints co-ordinator (if the school has one), a senior member of staff, or the head teacher.
- Stage two: Complaint investigated by the chair of governors
- Stage three: Complaint heard by governing body's complaints Committee

#### **STAGE ONE** **Informal stage**

It is in everyone's interest that complaints are resolved at the earliest possible stage and preferably with the person about whom the complaint has been made.

The complainant will discuss the matter with an appropriate member of staff such as: the person against whom the complaint is being made (if appropriate and only if an adult) head teacher, senior member of staff or complaints co-ordinator.

**If the complainant is unsure who to discuss the matter with, they should contact the school office or the head teacher for clarification.**

The matter will be looked into thoroughly. The complainant will be informed of the outcome of this (within **five** school working days), in person where possible, and what action, if any, the school proposes to take.

If the complaint is initially discussed with a member of staff other than the head teacher and the complainant remains dissatisfied, it should **also be discussed with the head** (or deputy in his or her absence) before progressing to the formal stage.

If the complaint is **about the head teacher** it should be discussed with him/her informally first before progressing to the next stage.

In exceptional circumstances, where the complainant feels they cannot discuss the matter with the head teacher, the complaint may move directly to Stage 2.

If the informal process has been exhausted and the complainant remains dissatisfied, the complaint will move to Stage 2.

The complainant will be provided with the complaints procedure and asked to complete the **complaints form, Annex B**.

The complainant needs to be clear about what their complaint is and **how they would like it to be resolved**.

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This form should be forwarded by the complainant to the **chair of governors** (or vice chair in his or her absence) who will investigate the complaint.

NB Where the first approach is made to a governor, the next step would be to refer the complainant to the head teacher. **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 committee at a later stage of the procedure.

### **STAGE TWO**

#### **Complaint investigated by the chair of governors.**

The Chair of Governors will:

Acknowledge the receipt of the complaints form within **five** working school days.

Provide an opportunity to meet with both the complainant and the head teacher (or person complained of if different) within **ten** working school days.

Investigate the complaint (**following the section on investigations** above).

Provide a **written** response to both the complainant, the person about whom the complaint has been raised and the head teacher (if different) within **ten further** school working days.

Provide **conclusions** and **reasons** for the conclusions as part of this written response.

The written response will be by letter sent by post unless the complainant requests otherwise.

The chair of governors and or complainant, or head teacher or person against whom the complaint has been raised may wish to discuss the report in person in order to clarify any issues. This will be at the discretion of the chair of governors and will be for clarification and on an individual basis, not to re-investigate the complaint, change the outcome or to meet as a group.

If the complainant remains dissatisfied on receipt of the chair of governor's report she/he needs to write to the **clerk** (contact details available from the school office) to the governing body within **ten** school working days also forwarding **the original complaint form**.

The clerk will acknowledge receipt within **five** working school days.

**NB** The vice chair will undertake the investigation at Stage 2 in the absence of the chair.

### **STAGE THREE**

#### **Complaint heard by governing body's complaints committee**

Complaints only rarely reach this level.

The clerk will convene a governing body complaints committee (see xiii above).

The clerk will notify all parties of the date, time and location of the meeting. At least **five**

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days notice will be given to attendees.

The clerk will inform the complainants of the names of the committee members and the school contact details of the chair of the committee.

The clerk will ensure the availability of the committee, the complainant, the person against whom the complaint is made and the head teacher (if different). It is up to the complainant, and person against whom the complaint is made to ensure that any others to be interviewed are available for the committee hearing in order that reasonable timescales can be met. The clerk is under no obligation to delay a meeting in order to ensure the availability of any other interviewee.

The complaint will be heard by the committee within **twenty** working school days of the clerk receiving the written request to progress to Stage 3.

Committee hearings are often the most stressful part of any complaints procedure, for all concerned. As at all stages, it is important that **conduct** is appropriate (see **Annex E**) and that the meeting is as **informal** as possible.

Both the complainant and the person against whom the complaint is made will attend the hearing.

Both the complainant and the person against whom the complaint is being made may be accompanied by one adult (who has no involvement in the issue), if they wish. The accompanying adult is a supporter only and may not speak on behalf of the complainant except where this would otherwise disadvantage them (for example if English is not their first language), in which case they can act as an advocate. If an accompanying adult is to act as an advocate and speak for the complainant this must first be discussed with and agreed by the chair of the committee before the date that the committee meets.

The committee will interview others involved in the matter if appropriate and necessary to their investigation, or at the request, in advance of the hearing, of the complainant or the person against whom the complaint is made.

The chair of the committee will obtain the documentation used in the chair of governors' investigation as soon as possible and his/her report.

The chair of the committee will ensure that the committee members, the complainant and the person against whom the complaint is raised receive copies of this documentation plus a copy of the school's complaints procedure, at least **five** working school days in advance of the hearing.

Members of the committee need to have perused all documentation thoroughly, including the school's complaints procedure, before the committee hearing.

The committee will meet immediately before the hearing to discuss the issues raised in the documentation and to discuss the format of the hearing.

The chair of the committee will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

The committee will first meet with the complainant and then the person against whom the complaint is made (if this is not the head teacher he/she may be an observer on the

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committee if he/she does not have any other role, for example, one of the people to be interviewed or the accompanying adult for the person against whom the complaint is raised). The committee will also meet with any other interviewees. The complainant and person against whom the complaint is being made may be present throughout to hear each other's representations and/or to question each other and or any interviewees.

### **See also the guidance above regarding investigations.**

The governors' committee hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

The aim of the hearing is to try to **resolve** the complaint and to try, if possible, to achieve reconciliation between the complainant and the person against whom the complaint is made.

The committee and both parties should focus on the **substance of the original complaint** in the complaints form and how the complainant would like it to be resolved.

The meeting must be independently minuted, for example by the clerk.

Following the hearing, the chair of the committee will:

Provide a **written** response to the complainant, copied to the head teacher, the chair of governors and the person against whom the complaint is being made (if not the head teacher) within **ten** school working days.

The draft minutes of the committee meeting will be distributed to the committee, complainant and person against whom the complaint is made within **five** school working days. Responses must be made within a further **five** school working days. The agreed minutes will be made available to all parties on request.

Provide conclusions in the written response and reasons for the conclusions.

State what actions, if any, need to be taken.

Be clear that the complaint has been "**upheld**", "**upheld in part**" or "**not upheld**".

Explain that the decision of the complaints committee is final and concludes the school based investigations.

If a complainant feels that the school or governing body has acted unreasonably after all the stages have been exhausted they may contact:

Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD

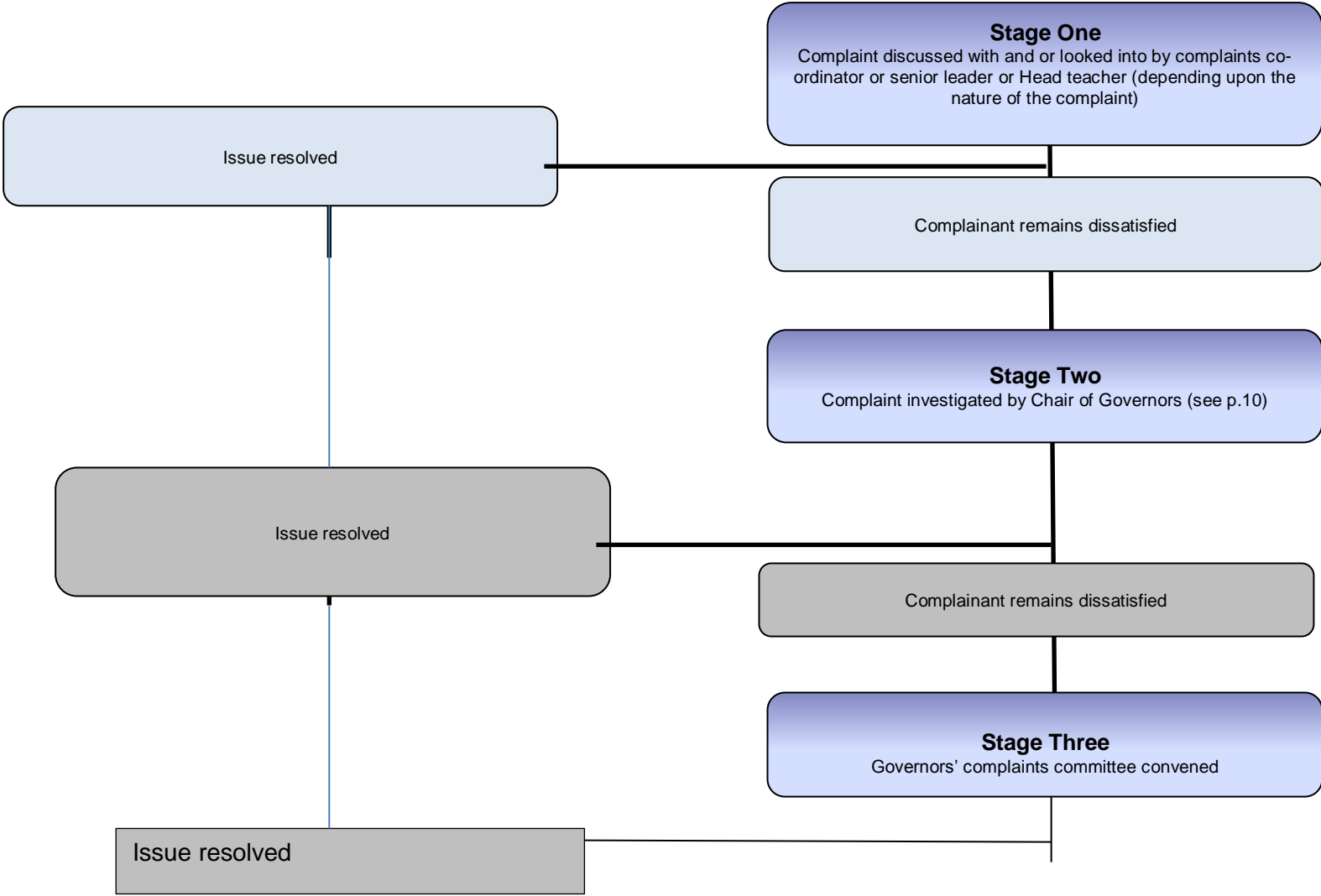
Telephone: 0370 000 2288 Email: [info@education.gsi.gov.uk](mailto:info@education.gsi.gov.uk)

Website: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

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Annex A - Flowchart

Summary of Dealing with Complaints





**Annex B - Complaint form**

**Please complete and return to ..... head teacher/chair of governors who will acknowledge receipt and explain what action will be taken.**

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Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email:

Please give details of your complaint.

What action, if any, have you already taken to try to resolve your complaint.  
(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details.

Signature:

Date:

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Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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## **Appendix C – Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Co-ordinator (or head teacher)**

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, head teacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - o sharing third party information;
  - o additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - o consideration of records and other relevant information;
  - o interviewing staff and children/young people and other people relevant to the complaint;
  - o analysing information;

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- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

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- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- 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;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel 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.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

## Model School Complaints Procedure

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Appendix D

**Interviewing Best Practice Tips**

**Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation. Schools should contact the LADO, LA safeguarding team and/or Senior Adviser for advice
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

**Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ head teacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

## Model School Complaints Procedure

### Annex E– Code of conduct

#### All parties will:

- speak calmly without raised voices
- use appropriate, courteous language (never swearing or using offensive language)
- use appropriate body-language that is non-threatening
- never make threats or be sarcastic
- bring the complaint to the attention of the school as promptly as possible
- not make a complaint personal
- not discuss a complaint on social networking sites
- meet the requirements of the Home School Agreement (**Annex E**).

#### School will:

- treat all complaints individually
- not take complaints personally
- stay calm
- not rush
- respond as promptly as possible
- maintain confidentiality
- treat all complaints seriously.

This code of conduct applies to all parties involved in a complaint, at all stages. If the code is breached the following sanctions can be applied:

<b>Member of school staff</b>	<b>School's disciplinary policy</b>
Complainant	Asked to provide documentation only and or communicate by telephone (at the discretion of the person leading the relevant stage) rather than face to face hearing/interviews. Consideration given to restricting attendance on school premises.
Governor	Removed from the process and replaced by the vice-chair of governors in the case of the chair or next available governor alphabetically in the case of other governors.



## **Annex F**

The guidance below is recommended but not prescriptive.

### **Advice and good practice for the school:**

- Be mindful of equal opportunities ensuring that the complainant has support through the process where necessary; with reading the policy/completing the complaints form, if English is an additional language for instance
- Anonymous complaints are only acceptable in exceptional circumstances
- Try to be clear (without patronising) and avoid using jargon
- Ensure the complainant has a copy of the complaints procedure
- Take your time. Let people have their say. Listen carefully and sympathetically before replying and attempting to find a solution
- Keep open-minded
- Have a colleague with you to take notes
- End the meeting on a positive note and thank people for their time
- Offer to arrange another review meeting

### **Advice and good practice for the parents:**

- Be tactful, plan the words you will use to explain the problem
- Try to demonstrate that you can see both sides of the situation but be sure to say how your child feels
- Remember to praise any actions taken by the school
- Write down any points you wish to make beforehand
- Take a friend or partner along with you if you wish
- Make sure you are clear about what you would like to happen to resolve the complaint – remember this must be reasonable
- Be open-minded
- End the meeting on a positive note and thank people for their time
- Ask for another review meeting if that would be helpful
- Ask for clarity around any points in the school's complaints procedure if necessary.

Annex G

**The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

**Annex E**

Home School Agreement