

School Complaints Eastover Primary School



**Approved by the Governing Body of
Eastover Primary School**

Signed by:

NameMrs B Cockerell.....

Signature: *B. Cockerell.* **.....**

Complaints Procedure

Eastover Primary School

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Eastover Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints’ procedure. Eastover Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases the headteacher will refer you to another staff member. This member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Eastover Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints’ procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

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

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering formal complaints at Stage 2 of the procedure.

Concerns or complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Concerns or complaints that involve or are about the headteacher should be addressed to The Chair of Governors, c/o Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

Concerns or complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Somerset Council.

<ul style="list-style-type: none"> • School re-organisation proposals 	
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

<ul style="list-style-type: none"> • National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus
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If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Eastover 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.

Complaint Campaigns

For the purpose of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school which are all based on the same subject.)

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- Send a template response to all complainants and/or
- Publish a single response on the school's website.

Resolving complaints

At each stage in the procedure, Eastover Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

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

Informal Stage

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or head teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at other stages of the procedure. At the conclusion of their investigation, the appropriate person investigating the concern will provide an informal written response within <insert number> school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

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

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 30 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it

will include details of actions Eastover Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the governing body or the LA. At the conclusion of their investigation, the independent investigator will provide a formal written response, including details of how to escalate the complaint to the next stage if they are dissatisfied with the outcome of stage 1.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

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

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

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence taking into account any written submissions from the complainant.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Eastover Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union representation.

Note: Complaints about staff conduct will not be handled under this complaints' procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

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

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Eastover Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body
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Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Eastover Primary School will take to resolve the complaint.

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

Next Steps

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

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

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaint Form

Please complete and return to Headteacher/Clerk to Governors who will acknowledge receipt and explain what action will be taken.

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.

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

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

Signature:
Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and other people relevant to the complaint (children/young people should not be interviewed unless it is deemed entirely necessary and is appropriate to their age/welfare)
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher (Chair if the complaint is about the headteacher) or complaints committee will then determine whether to uphold or dismiss the complaint and

communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

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

Committee Chair

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed

- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
 - careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated
 - the committee should respect the views of the child/young person and give them equal consideration to those of adults
 - if the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
 - the welfare of the child/young person is paramount.

Policy for Managing Serial and Unreasonable Complaints

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

Eastover Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

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

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

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Eastover Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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

CONDUCTING COMPLAINT INVESTIGATIONS

Introduction

Investigations are an essential part of handling certain matters within an organisation including complaints.

Please ensure you have read and understand the school's published complaints policy before conducting the investigation.

The Role of the Investigator

The role of the Investigator is to:

- Be fair, objective and impartial.
- To operate within the agreed terms of reference of the investigation if applicable.
- To operate within the strictest of confidence and ensure all parties involved adhere to this principle.
- Ascertain the facts as far as is reasonably possible.
- Take a balanced view of the information that emerges.
- To prepare an investigation report detailing the main findings.
- Attend a Complaint Panel Meeting if required.

The Investigation Process

Investigations should be carried out thoroughly and fairly, but at the same time swiftly, to ensure the investigation is concluded as quickly as possible. Providing a provisional time-frame in line with the school's complaint procedure can be helpful, however, an investigator should not be restricted by this. Where prescribed timescales have not been provided, it is best practice to keep all parties informed of the progress of the investigation.

Collecting Evidence

It is the responsibility of the Investigator to ensure all reasonable efforts have been made to gather relevant evidence. This may include:

- **Documentary Evidence:** The Investigator should be given access to any documents relevant to the complaint investigation. The Investigator must ensure that any documents to be used in the investigation are relevant and authentic.
- **Witness statements:** Where an individual may be able to provide information relevant to the complaint investigation, the Investigator may interview them.

Complaint Investigation Meetings

The Investigating Officer should consider the appropriate order in which the interviews are held and sufficient notice of the interviews should be provided to the individuals (usually a minimum of 5 working days). Witnesses and the employee(s) who are the subject(s) of the complaint under investigation are entitled to be accompanied at the interviews.

Complaint Investigation meetings should be structured, and in advance of the meeting, the investigator should establish the issues constituting the complaint and prepare relevant questions that will explore these.

It is important to ensure that meetings are not subject to interruptions and depending on the circumstances, it may be appropriate to hold the interviews at an alternative location away from the school, such as a village hall or other neutral venue.

A note-taker, usually the Clerk should be present to make a written record of the meeting to enable the investigator to focus on the responses to the questions and plan supplementary questions as required. The note of the meeting does not need to be verbatim but should capture the key points of the interview.

It should be made clear to witnesses who are invited to complaint investigation meetings that they are not the subject of the complaint investigation but have been identified as someone who may be able to provide information that will assist the investigation process.

On occasions, it may be alleged that pupils may have witnessed key events. In these circumstances we would not expect a pupil to be interviewed or asked to provide a witness statement as part of a complaint investigation be interviewed.

The Investigator needs to consider the context of the relationship that exists between the individual who is the subject of the complaint investigation and any witnesses. Subtle enquiries should be made as part of the investigation meeting in relation to this as this may impact on the credibility of the evidence provided. It may also assist in determining if any information is being/ has been provided maliciously.

At the start of the meeting the Investigator should introduce those present and reiterate representation rights referred to in the invitation letter as appropriate. The Investigating Officer should then explain:

- The purpose of the meeting,
- The allegations under consideration and that have been made in the complaint. (specify them),
- The role of Investigator,
- The format of the meeting,
- The expected next steps thereafter.

The Investigator should then commence the interview by asking questions. Questions need to establish and clarify the individual's account of the circumstances being investigated. The Investigator needs to be careful not to "lead" the individual in their style of questioning or come across as adversarial.

The Investigating Officer should also be wary of hearsay. If a witness seems to be relying on the opinion of a third party, the Investigator should seek out the third person as a witness.

The Investigator should explain to the interviewee that they will be sent a copy of the notes of their own interview and will be required to confirm them to be a true record. If they do not agree with the notes, the individual will be asked to detail on the record any parts in which they do not agree, indicating their alternative version for the Investigator to consider for inclusion.

It should also be made clear to witnesses that their statement may be shared with relevant parties if a complaint is escalated to a Panel Hearing, however where possible the statement will be redacted to avoid the individual being identified.

In the majority of cases, it would be usual to only interview an individual once, however, where the investigation identifies conflicting evidence, it may be necessary to hold a further meeting with relevant individuals to further clarify facts.

Possible Issues that may Arise During an Investigation

Refusal to attend meetings – an individual may choose not to engage in the complaint investigation process. In the event the individual who is the subject of the complaint investigation does not attend the meeting and does not provide a reasonable explanation for this, the Investigator will have to conclude the investigation using only the evidence available to them.

- Absence linked to the complaint investigation process – where an individual who is the subject of the complaint investigation indicates during the investigation that health issues (e.g. stress) has a bearing on the case, the Investigator should explore this briefly to determine the relevance of this. Advice on whether to proceed should be sought from HR.

The Complaint Investigation Report

The Investigator should remember their role is to establish the facts of the matter and should consider evidence that both supports the complaint and undermines the complaint.

Once all of the evidence has been collected the Investigator should objectively analyse each piece of evidence and determine:

- What does the evidence reveal?
- Are there any doubts over the credibility and reliability of the evidence?
- Is the evidence supported or contradicted by evidence already collected?

- Does it suggest further evidence needs to be collected?

Once the Investigator is satisfied they have collected all relevant evidence and established the facts of the matter as far as is reasonably possible, they will be required to produce a complaint investigation report that explains the findings, outcome and recommendations. The report should cover all of the elements of the complaint and the facts that were and were not established and should not exclude any information which may leave the investigation process open to accusations of bias and filtering evidence to suit the findings.

The report should include the following:

Details of the complaint: What led to the complaint investigation name of complainant(s), the date the complaint was received. Name of complaint investigator.

Evidence and Documents Looked at: Any relevant documentation/evidence reviewed as part of the investigation should also be detailed here. This could include witness statements from individuals outside of the school, such as other parents, names should be redacted.

Persons Interviewed: This section includes details of all interviews conducted and includes names and job titles of witnesses.

Findings: This section summarises the key findings from the investigation and sets out facts that have been established, those that have not and those that are inconclusive. It should also include any mitigating factors to be considered.

Outcomes: These should be the conclusions made by the Investigating Officer and while they may seek advice from a third party (e.g. HR, SSE Governance) the conclusions should be their own. The outcome should be based on the balance of probability and should state whether the complaint is upheld / partially upheld / not upheld. If the Investigating Officer believes that formal disciplinary action may be required they should seek advice from HR colleagues. Any such measures would not be disclosed to the complainant.

Recommendations: This could include changes to policy and procedures, measures to rebuild relationships, including written apology from the person(s) who is/are the subject(s) of the complaint.

Appendices: These should include copies of the witness statements (where appropriate) and any other documents referred to within the main body of the report. These would not be shared with the Complainant or person(s) who is/are the subject of the complaint, unless fully redacted.

When writing the report, the Investigator should consider who will see the report as this will most likely include the person who is the subject of the investigation. It should be written in an objective style, use appropriate language and stick to the facts. They should also consider aspects of the report that may be challenged and

present the findings in the report in a way that reduces or removes this opportunity (the quality of the evidence will have a significant impact on this).

Action Following the Investigation

The complaint investigation report should be shared with the complainant and the subject/s of the complaint.

The complainant has the right to escalate the complaint to the next stage of the complaints policy and once the policy has been exhausted, if they feel that their complaint was not handled in line with the published policy can escalate the complaint to the Department for Education.

The DfE recommends that at each stage the complaint is looked at afresh.

The details of the complaint should not be disclosed to the governance board if there is the opportunity for the complaint to escalate to a further stage.

The Complaints Panel

Complaints would not be heard by the whole board of governors at any stage, as this could compromise the impartiality of any governor that might need to be on a panel associated with a complaint.

When escalating a complaint to a Panel, the complainant will need to follow the school's complaints procedure which in model policies is that they write to the Clerk to the Board of Governors within the timescales given in the outcome letter of the previous stage, giving details of the complaint and asking that it is escalated to the relevant stage in the school policy, to be put before the panel. The Panel will be made of 3 impartial Governors who have no prior knowledge of the complaint.

The panel should review the complaint afresh, rather than the handling of the complaint, they may use the original statements and interviews from the original investigation, they can review all documentation regarding the original complaint as long as these are redacted. We would advise however that they do not know in advance the outcome reached of any previous stage of the process so should not see the headteacher/investigator's outcome report as this may prejudice their decision and could be subject to a complaint about bias in the proceedings.

They can decide to invite the complainant, the headteacher/investigator, and any relevant persons involved in the complaint or anyone who can provide relevant advice and information relating to the subject of the complaint to attend the Panel meeting.

The Panel should not review any new complaints at this stage or consider evidence unrelated to the initial complaint. Any new complaints must be dealt with as a separate complaint from Stage 1 of the school's complaint procedure.

When informing the Complainant of the outcome of the Panel's investigation, they should also be informed that this is the final stage of the school's complaint procedure and if they remain dissatisfied they can contact the DfE, this would normally be because the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law.

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

The complainant must be informed that they can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate
Store Street
Manchester
M1 2WD

The Clerk's Role in Panel Meetings.

The Clerk will be the contact point for the complainant and all other parties invited to attend the Panel meeting and would:

- Set the date, time and venue of the Panel meeting, making sure that dates and times are convenient to all parties and that the venue is accessible.
- Inform the complainant and other parties attending the Panel meeting that they may bring a friend as a support.
- Collate any written material, including witness statement where relevant in connection with the complaint and ensure that all material is redacted where necessary. The Clerk must ensure that all parties are in receipt of the same written material in advance of the meeting and in line with timelines set out in the school's complaint's procedure.
- Ensure that the layout of the room where the Panel meeting is held is informal and not adversarial.
- Meet and welcome the parties as they arrive for the Complaint's Panel meeting.
- Take notes during the Panel meeting.
- Support the Panel in writing their Outcome Report.
- Circulate notes of the Panel meeting.
- Ensure that all parties are notified of the decision of the Panel, at the same time and inform the Complainant how to contact the DfE if they remain dissatisfied with how the school has investigated their complaint.

The Panel Chair

The Panel Chair has a key role in making sure that:

- The meeting is minuted by a clerk or minute taker.
- The meeting is conducted in an informal manner with everyone treated with respect and courtesy.
- The Panel members are introduced to each party attending the Panel meeting.
- Those unfamiliar with attending and speaking at Panel meetings are put at ease.

- Extra care will need to be taken when the complainant is a child/young person and present during the meeting.
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in any part of the procedure prior to the meeting.
- Any written material submitted has been seen by everyone attending the meeting.
- The Chair will ask the Complainant to brief the Panel on their complaint and will ask what resolution the Complainant is seeking. The Chair will explain the remit of the panel to the complainant and that the complainant and school will have the opportunity of putting their case before the Panel and the Panel may ask questions to seek clarity.
- All aspects of the complaint are addressed.
- Key findings of fact are made.
- The Panel is open-minded and acts independently.
- Liaises with the Clerk.

Panel Members

Panel members will be aware that:

- Many complainants may feel nervous and inhibited in a formal setting.
- It is important that the Panel meeting is independent and impartial, and that it is seen to be so (no governor will be allowed to form part of the panel if they have had prior involvement or knowledge in regard to the complaint and the circumstances around it).
- The aim of the meeting will always be to resolve the complaint and achieve reconciliation between the school and the Complainant (however it will be recognised that the outcome of the Panel might not always be to the satisfaction of the Complainant, and it may only be possible to be in receipt of established facts and make recommendations that provide the Complainant with the assurance that their complaint has been taken seriously).

Procedure for the Panel Meeting

The Panel members will meet 30 minutes prior to consider evidence and questions before the meeting is due to start and will elect a Chair from amongst the members.

- The meeting should be as informal as possible,
- The panel will meet with the complainant, they will then leave;
- The panel will then meet with headteacher/investigator, to hear the school's response to the complaint.
- Witnesses if attending in person are only required to attend for the part of the meeting in which they give their evidence,
- After each meeting, the chair will explain the time scales as to when all parties will hear from the panel.

- On occasions, the Panel may need to seek further clarity from staff members/witnesses before deciding the outcome of the complaint.
- The panel considers the complaint and the outcome(s), the Panel can:
 - Uphold the Complaint
 - Uphold the Complaint in Part
 - Dismiss/Not Uphold the Complaint

The Panel produces their report including recommendations. This may include recommended changes to the school's systems, procedures, or policies to ensure that problems of a similar nature do not recur and may also include steps with the aim of rebuilding relationships between the complainant and school.

The outcome report will then be shared by the Clerk with the Complainant and the Headteacher/person who has had the complaint made against them, this should be sent via email/posted at the same time.