



**Tame River Educational Trust  
Droylsden Academy (academy)  
Mossley Hollins High School (maintained)**

# **Complaints' Policy And Procedure**



**Tame River Educational Trust**  
*Great schools in which to learn, teach and belong*

**Complaints' Policy & Procedure**

Review Cycle: Two Years  
Next Review Date: March 2024  
Person Responsible: Headteacher  
Approving Body: Trust Board

The complaints' policy and procedure for this school in the Tame River Educational Trust meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

## General Principles of Complaints made to this School

Schools should comply with Section 29 Part 1 of the Education Act 2002. The following principles should apply in dealing with a complaint.

### A Initial Concerns

- The school needs to be clear about the difference between a concern and a complaint. We take informal concerns seriously at an early stage. **A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'**. Where the initial concern becomes a formal complaint, however, the Academy should follow the complaints' procedure as detailed here. Parents are advised to raise the matter as a concern in the first instance as this may allow the matter to be addressed directly, at source.
- A concern should be dealt with, if possible, **without the need for a formal procedure**. In most cases a class teacher, form tutor, middle leader or support staff member will receive the first approach. The issue should be resolved 'on the spot': if it is clear that the concern is justified an apology may be necessary. An acknowledgement that we could have handled the situation better may be necessary at times (this acknowledgement, of course, is not the same as an admission of unlawful or negligent action and cannot be seen as such). If it is unclear whether the concern is justified, or indeed, it would seem to be unjustified, the **member of staff dealing with the concern should make this clear**. All concerns beyond the routine should be communicated to the Headteacher's PA so that the Headteacher can have a clear view of all concerns, even if they have been addressed.
- The school should take informal concerns seriously and make every effort to resolve the matter as quickly as possible. **However, there will be occasions when the person/group reporting the concern remains dissatisfied and wants to raise the matter as a formal complaint**. In those cases, this complaints' policy and procedure should be followed, moving-on to Stage 1 (page 7).
- If the complainant decides to raise the matter as a formal complaint they should\* do so only on the official **Complaints' Form** on pages 17 and 18 so that the school can be clear about the specific nature of the complaint and the preferred outcome. (\*see exception, page 6).
- There should be no longer than 10 school days between the school sending the policy to the complainant and the complainant returning the completed **Complaints' Form**\* if the complainant wishes Stage 1 to commence. If the complainant needs longer to gather evidence this should only be in exceptional circumstances and the school should be notified at any point within the 10 days. (\*see exception, page 6)

### B Dealing with Complaints – formal procedures

- 1 The formal procedure will need to be invoked **where initial attempts to resolve the issue are unsuccessful and the person/group raising the concern remains dissatisfied and wishes to take the matter further**.
- 2 **The Headteacher or nominated Complaints' Co-ordinator (CC) will ask the complainant at the earliest stage, what s/he thinks might resolve the issue**. On hearing this, the Headteacher or CC should remind the

complainant from the start of the process that **any subsequent acknowledgement that the school could have handled the situation better is not** the same as an admission of unlawful or negligent action.

- 3 **Anyone can make a complaint about any provision or service from the school (parents, former parents and members of the public), unless separate statutory procedures apply (as they do for exclusions and admissions: we do not use this policy in these respects).**
- 4 In accordance with administrative law principles, complainants should be given the opportunity to complete the procedure in full, unless there is clear evidence that the complainant meets the 'serial complainant' criteria. **If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. The school will not 'mark' the complaint as 'serial' before the complainant has completed the procedure.**
- 5 The school will nominate a member of staff to have responsibility for the operation and management of the procedure. This person will be the **'Complaints' Co-ordinator'** and the Headteacher may appoint this person as **an Investigating Officer** to gather facts and complete a report. This may or may not be the **Headteacher. Where the complaint is made against the school as a whole or the Headteacher, then it may be addressed to the Chair of Governors. The Chair of Governors** may request the Chief Executive or a Trust Director to be the 'Complaints Co-ordinator' and Investigating Officer in this instance. If the complaint is against the Headteacher the investigation will be discharged by the Chief Executive, working with the Chair of Governors. The same procedure, otherwise, will apply. If the complaint is made against the **Chief Executive at a Trust level**, then it may be addressed to the **Chair of the Trust Board**. If the complaint is made against the **Executive Headteacher of Mossley Hollins High School**, then it may be addressed to the Chair of Governors at Mossley Hollins.
- 6 This procedure does **not cover** exclusions, admissions, staff grievances or disciplinary procedures. Complaints against school re-organisation proposals are not part of this procedure. Concerns about statutory assessments of special educational needs should be raised directly with local authorities. Matters likely to require child protection investigation should be handled under the school's child protection and safeguarding policy and in accordance with statutory guidance. Complaints about services provided by other providers who may use the school premises or facilities should be directed to follow the external provider's own complaints' procedure. Complaints about the delivery of RE or Relationships and Sex Education are for schools to resolve under **this** procedure. We have an internal Whistleblowing procedure for all employees, including temporary staff and contractors. Volunteer staff who have concerns about the school should complain through the school's complaints' procedures and if they remain dissatisfied they can complain directly to the Local Authority or the Department for Education depending on the substance of your complaint and designation of the school.

## **C Framework**

- 1 The complaints' policy and procedure is much more likely to be effective when:
  - *It encourages the resolution of problems by informal means wherever possible at the concern stage (before Stage 1);*
  - *It is easily accessible;*
  - *It is simple to understand and use;*
  - *It is impartial and non-adversarial;*
  - *It leads to careful handling of issues with established time-limits for action (we would aim to investigate and respond to a complaint within 14 working days of the substance and precise nature of the complaint being understood by the school but this will be guided by the Chair of Governors and/or by the amount of detail to be investigated);*
  - *It is a full and fair investigation led by the nominated 'Complaints Co-ordinator'/Investigating Officer;*
  - *It addresses the main point(s) of the complaint, provides an effective response and leads to appropriate redress (if the latter is deemed necessary);*

- It provides information to the SLT so that services can be further improved;
- A complaint may be made in person, by telephone or in writing. **Whilst we will always request any formal complaint to be specific and in writing\***, it takes full notice of its obligations under the Equality Act of 2010 to concede to the complainants' preferences for communication when due to disability or learning difficulties (when the complaint is made in person or verbally, brief notes of this should be kept and a copy added to the record: any such notes may be requested by the complainant under the Freedom of Information and Data Protection Acts)
- At the end of each stage of the procedure **the school will make clear what escalation options remain open to the complainant.**

## D Investigating Complaints

The Complaints' Co-ordinator will:

- Clarify the **specific nature** of the complaint;
- Clarify what the **complainant would consider as a satisfactory outcome/set of outcomes**;
- Make clear that **any subsequent acknowledgement that the school could have handled the situation better will not be** the same as an admission of unlawful or negligent action;
- Establish **what has happened so far** and who has been involved.

The Investigating Officer will:

- Meet the complainant or contact them (though good practice in each formal case, this will only definitely happen where further information is necessary or this information has not been given already clearly and in writing, subject to the provision in the Equality Act listed earlier\*)
- Interview those involved in the matter, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist with questioning;
- Keep notes of the interview or arrange a support staff member – uninvolved in the complaint – to take a summary record of the meeting.

## E Resolving Complaints

The school, throughout the process, will keep in mind ways of resolving the complaint. **It is important to acknowledge that either: the complaint is valid in whole or in part; or, that it is considered not to be valid** (at which time the complainant will be given any remaining 'escalation' options). It may be appropriate to provide one or more of the following, if the complaint is found to have foundation:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that everything will be done to ensure the event complained of will not recur;
- An explanation of steps that have been taken/will be taken to seek to ensure the above;
- An undertaking to review any Academy policies necessary in the light of the complaint.

It is important to make clear that an admission by the school that it could have handled the situation better is not the same as an admission of negligence or of unlawful treatment.

An effective procedure may be able to identify any areas of agreement between the parties. It is of equal importance to clarify any misunderstandings that might have occurred as this can create a more positive atmosphere in which to discuss any outstanding issues.

## F Serial, Malicious, Aggressive or Persistent Complaints

- 1 If the above is followed, this procedure is likely to minimise the number of complaints that become protracted. However, there will be occasions when, despite all the stages of the procedure having been followed, the complainant remains dissatisfied.
- 2 If the complainant contacts the school again **on the same issue at the end of the full procedure**, the correspondence will then be viewed as 'serial' or 'persistent' and the school is unlikely to respond. This is in line with national guidance (2019). **The Chair of Governors may inform the complainant in writing that the procedure has been exhausted and the matter is now closed.** This school will not take lightly the decision to stop responding. It will only be done when the school believes it has taken every reasonable step to address the concerns in line with policy (at both stages), **and** the school has given a clear statement of its position and the remaining options, **and** the complainant contacts the school repeatedly, making substantially the same points each time. The school will not stop communication with the person on different matters unless the complainant becomes aggressive or shows malice (see below).
- 3 In the case of malicious or aggressive complaints the school should inform the relevant authorities at their earliest convenience. The complainant has a right to complain but has no right to show malice or aggression. **The school will not tolerate letters, emails or telephone calls that are often abusive or aggressive, or where insulting personal comments or threats are made towards staff or where the school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience.** The school is likely to continue to respond even if the individual is difficult to deal with or asks complex questions but not if the individual is malicious or aggressive.
- 4 There may be occasions when, despite all stages of the complaints' procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint (to check this, it is important to test it against these questions: *Has the school taken every reasonable step within the procedure? Has it given the complainant a clear statement of the outcome and their options (if any)? Is the complainant contacting repeatedly but making substantially the same points each time?* The case for the school is even stronger in any of the following cases: The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience (they may have said as much in an email, letter, on social media or in a telephone call); the emails/call/ letter/use of social media is abusive or aggressive; insulting personal comments about or threats towards staff are made.
- 5 Where an individual's behaviour is causing a significant level of disruption, schools should implement a tailored communications' strategy (in this case: one point of contact, at one time for a fixed number of contacts per term). Where a complainant persists to the point that the school considers it to constitute harassment, communication should cease and legal advice should be sought. The school may ask the complainant to ask a third party to act on their behalf, such as the local Citizens' Advice.
- 6 Should the complainant raise an entirely new and separate complaint, the procedure must be followed, unless in the case of threatened or actual aggression or violence when the LA or police should be informed.
- 7 In response to any serious incident or threat of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. The school will take legal advice.
- 8 **Barring from the School Premises: although fulfilling a public function, schools are private places. No member of the public has an automatic right of entry.** Schools must remain a safe place for students, staff and other members of the community who may be visiting. **If a parent's behaviour is seen to be a cause for concern, a school is perfectly entitled to tell the parent to leave the premises. The Headteacher can write to the parent telling them that they are barred from the premises** (the letter should state that the parent has the right to formally express their views on this decision in writing to the Headteacher or Chair of Governors who

will consider their response: the individual's response to being barred cannot be escalated by them to the Department for Education but s/he could seek redress in the Courts. Individuals wishing to do this should seek independent legal advice). The letter should state that the decision to bar **will be reviewed at a set time in the future and the parent informed if the bar is to be lifted. This review should take place at the correct time by the Chair of Governors.**

## **G Time Limits**

Complaints should be considered and resolved as efficiently as possible. The school will have realistic time limits for each action within each stage. In the case of most complaints the complainant should expect the procedure to have been concluded within 14 school days of its substance and specific nature being understood by the school. However, where further investigations are necessary, new time limits will be set. The complainant should be sent details of the new deadline with an explanation of any delay.

## **H Cut-off Limits**

- 1 It is reasonable to expect complainants' to make a complaint as soon as possible after an incident. Should a parent send the complaint via the Local Authority (unlikely in the case of an academy) it is likely to take longer to reach the Chair of Governors and this can be taken into account for 'time-limits'. There may be good reasons why a complaint was not made earlier: for example, the parent may have been gathering further information or only later became aware of the implications of the incident.
- 2 **This school, in line with the 2019 guidance, consider 3 months to be an acceptable time-frame** in which to lodge a complaint. Additional time will be given when the situation is considered by the school to be exceptional.
- 3 **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.
- 4 The school would expect there to be no longer than 14 working days between the complainant receiving the outcome of any stage of a complaint (in this respect the school assumes that any letter sent will arrive within three working days of the date on the letter) and an escalation from the complainant. Additional time will be given when the situation is considered by the school to be exceptional.
- 5 Complaint investigation outcomes will take account of the 7 principles of public life (1. Selflessness, 2. Integrity, 3. Objectivity, 4. Accountability, 5. Openness, 6. Honesty and 7. Leadership) and will comply with education and other law: in that they will be rational, reasonable, fair and proportionate.
- 6 It is for the school to consider what constitutes 'exceptional circumstances' but this should take account of the 7 principles of public life.

## **I Complaint Campaigns**

If the school becomes the focus of a campaign and receives a large volume of complaints all based on the same subject or from complainants unconnected to the school, it will send either a template response to all complainants or publish a single response on our website. If the complainants remain dissatisfied the school will signpost them to the Department for Education.

*\*Whilst we always request any formal complaint to be specific and in writing using our **Complaints' Form**, the school takes full notice of its obligations under the Equality Act to concede to the complainants' preferences for communication **when due to disability or learning difficulties.***

## **The Complaints' Procedure at this school**

### **Complaint (not concern) Stages**

There are 3 stages, as follows (beyond the matter residing as a concern). If the complainant wishes to raise a formal complaint this school will **not** attempt to prevent this by insisting on informal resolution first. Complainants and this school are advised, however, to attempt informal resolution first, **if this is agreeable** to both parties:

#### **Stage 1: The complaint will be investigated by the school as described above**

If the complaint is against a member of the school staff it will be dealt with at Stage 1 by the Headteacher (or nominated Deputy Headteacher). If the complaint is against the Headteacher it will be dealt with at stage 1 by the Chief Executive (or Chair of Governors).

#### **Stage 2: The outcome of the procedure will be considered independently as shown below**

If the complaint is against a member of the school staff it will be dealt with at Stage 2 by the Complaints' Committee of the Governing Body (who may ask that the investigation at Stage 2 is conducted by the Chief Executive or Trust Director). If the complaint is against the Headteacher it will be dealt with at Stage 2 directly by the Complaints' Committee of the Governing Body.

Details of complaints should not be shared with the whole Governing Body at any stage where they are still being considered. The exception to this is when a complaint is made against the whole Governing Body and they need to be aware of the allegations made against them, to respond to any independent investigation.

The Department for Education in its 'Best Practice Guidance for School Complaints' Procedures (2019) makes it clear that: *"we are confident that governing bodies will deal with complaints impartially"*.

If the school makes reasonable attempts to accommodate complainants with dates for a complaint meeting at Stage 2 and they refuse or are unable to attend, the school will convene the meeting in their absence and reach a conclusion in the interests of drawing the complaint to a close. A copy of the agreed action points will be sent to the complainant thereafter.

#### **Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. This is the final stage of the complaints' procedure

#### **For the purposes of clarity, the 'end of the process' is seen as the end of Stage 3.**

At all stages a record of the progress of the complaint and the final outcome will be kept in a secure place by the Clerk to the Governing Body at Stages 2 & 3 and by the Headteacher's PA (except in the case of the complaint being against the Headteacher) at Stage 1. Such records will be kept by the school for 3 years or, in the case of a parental complaint, for a minimum of 3 years and a maximum of 5 years if, for example, the parent's child is in Year 7.

### **PART 3: Managing and Recording Complaints**

1. Schools should record the progress of the complaint and the final outcome. The complainant may use the form in Appendix 3 to make the complaint.
2. The Complaints' Coordinator should be responsible for the records during the process and hold them centrally.

#### **Governing Body Review**

3. Policies and procedures with regard to complaints should be reviewed every **2 years** and ratified by the full Governing Body.
4. In the interim the Governing Body should be mindful of the number of complaints as a way of evaluating the performance of the school, as shown in the Executive Scorecard.

#### **Publicising the Procedure for Parents**

5. This policy and procedure should be readily accessible to complainants on the school website. It should also be referenced in the Prospectus (or equivalent) and be made available to any person who makes a formal complaint. Please also see Appendix 1 and 2.

## **Appendix 1 – The School**

(1) The Governing Body shall:

(a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and

(b) Publicise the procedures so established.

(2) In establishing or publicising procedures under sub-section (1), the Governing Body shall have regard to any guidance given from time to time by the Secretary of State. Section 39 of the Education Act 2002 provides the following procedure in Appendix 2.

## Appendix 2 – The complaints’ procedure

### The stages of the complaint

**Concerns (see above in policy) are not complaints and should be handled informally at the right point of entry.**

#### **Stage 1 Complaint (formal): Heard by the Headteacher (or his delegated Deputy)**

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

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints’ Co-ordinator can refer the complainant to another delegated lead. Where the complaint concerns the Headteacher, the Complaints’ Co-ordinator can refer the complainant to the Chair of Governors. The Chair of Governors may ask the Chief Executive to investigate a complaint against the Headteacher at Stage 1.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints’ Co-ordinator may consider referring the complainant to another delegated member. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Please use the Complaint Form attached to the procedure to complete and return.

Please also see the roles and responsibilities summary attached.

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#### **Stage 2 Complaint (formal): complaint heard by the Complaints’ Panel of the Governing Body**

The Headteacher’s influence will already have shaped the way complaints are handled. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Chair of Governors may delegate the task of collating the information to the Chief Executive but not the decision on the action to be taken. This will be heard by the Complaints’ Panel.

At Stage 2 it is important to note that this panel is not a form of legal proceeding. The role of the panel should be to achieve reconciliation and to put right things that may have gone wrong.

The Department for Education in its 2019 Guidance recommends that *“neither the complainant nor the school bring legal representation”*. The Department does recognise that there are rare occasions where legal representation on both sides may be appropriate (for example, if a school employee is a witness in a complaint they may be able to bring union or legal representation).

However, if the complainant commences legal action against the school in relation to a complaint the school will suspend the complaints’ procedure until such legal proceedings have concluded, in line with DfE guidance (2019).

## Next Steps

If the complainant believes the school did not handle their complaint in accordance with this policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after the completion of Stage 2. The address can be found at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

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

### The remit of The Governors' Complaints' Panel at Stage 2

The panel will consider the complaint and the evidence presented. It 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 panel will: -

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

There are several points which any Governor sitting on a complaints' panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so.
  - b) No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
  - c) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
  - d) An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
  - e) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
  - f) The Governors sitting on the panel need to be aware of the complaints' policy and procedure.
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### Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints' procedure.

**A request to escalate to Stage 3 must be made to the Clerk to the Governing Body, via the Headteacher's Personal Assistant, 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 5 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 15 school days of receipt of the 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 on the basis of written submissions from both parties.

If the complaint is:

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

Stage 3 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting 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 rare occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints' procedure. Complainants will be advised that any staff conduct complaints will be considered under the Staff Disciplinary Procedures Policy, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the 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 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 relevant body (Education and Skills Funding Agency (ESFA) for an academy, or the Local Authority, in the case of the school) if they are dissatisfied with the way their complaint has been handled.

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 the school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

#### **Notification of the panel's decision:**

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the LA or Diocesan Board.

The final stage of appeal is to the Education & Skills Funding Agency (ESFA) for an academy or to the Local Authority in the case of a maintained school

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 ESFA/LA **after they have completed Stage 3**.

The ESFA/LA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and (in the case of an academy - whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014).

In the case of an academy the complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

In the case of a maintained school, the complainant can refer their complaint to the School Complaints' Unit (SCU), as a representative of the Department for Education at:

Department for Education  
2<sup>nd</sup> floor, Piccadilly Gate,  
Manchester.  
M1 2WD

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### **Academy Only: What will the Education & Skills Funding Agency do?**

If the complainant is unsatisfied with the outcome of the academy's complaints' procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. **The ESFA will not overturn a school's decision about a complaint.** However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints' procedure;
- Whether the school was in breach of its funding agreement with the secretary of state;
- Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints' procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school> . We will include this information in the outcome letter to complainants.

### **Maintained School Only: What will the Department for Education do?**

If a complaint has exhausted the local procedures, the SCU will examine if the complaints' policy and other relevant policies were followed in accordance with the provisions set out. The SCU also examines policies to determine if they adhere to education legislation. **However, the Department will not re-investigate the substance of the complaint.** This remains the responsibility of schools.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

## **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.

### **The role of the clerk**

The DfE strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

### **The role of the Chair of Governing Body or the nominated Governor:**

The nominated governor role:

- Check that the correct procedure has been followed;
- If a hearing is requested, notify the clerk to arrange the panel.

### **The role of the Chair of the Panel:**

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/individuals and others who may not be used to speaking at such a hearing are put at ease;

- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it

**Checklist for a panel hearing:**

The panel needs to take the following points into account:

- The hearing is as 'informal' as possible;
- Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- The Headteacher may question both the complainant and the witnesses after each has spoken;
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses;
- The complainant may question both the Headteacher and the witnesses after each has spoken;
- The panel may ask questions at any point;
- The complainant is then invited to sum up their complaint;
- The Headteacher is then invited to sum up the school's actions and response to the complaint;
- Both parties leave together while the panel decides on the issues;
- The Chair explains that both parties will hear from the panel within a set time-scale.



<p>What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?</p>
<p>What specifically would you consider to be a fair, reasonable and satisfactory outcome to your complaint if the investigation finds in your favour?</p>
<p>Are you attaching any paperwork? If so, please give details</p>
<p>Signature:</p>
<p>Date:</p>
<p>Official use</p>
<p>Date acknowledgment sent:</p>
<p>By who:</p>
<p>Complaint referred to:</p>
<p>Action taken:</p>
<p>Date:</p>