

Complaints Policy

October 2017



**ORCHARD ACADEMY
TRUST**

Orchard Academy Trust Complaints Policy and Procedure

Our schools are committed to providing the very best education for our young people and we want our pupils to be healthy, happy and safe, and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that will be followed in order to resolve these as quickly and informally as possible.

This procedure will apply to most general complaints received by the schools within the Academy Trust. It is not intended to cover those matters for which there is a specific statutory process, these include:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances / Discipline
- Child Protection
- Whistleblowing

Please see our separate policies relating to these types of complaint. If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.

Complaints about services delivered by other providers who use the schools' premises or facilities should be directed to the provider concerned.

This complaint policy and procedure 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).

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns or complaint.

Defining a concern or complaint

The DfE guidance explains the difference between a concern and a complaint.

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as an expression of dissatisfaction about actions taken or a lack of action “

There will be many contacts with the schools about parental **concerns**, most of which are routinely dealt with through contact with, for example, a secretary or class teacher. Very often these concerns will be easily resolved at this level through day-to-day communication and the school aims to resolve concerns informally where ever possible and at the earliest possible stage.

There will be other occasions when formal procedures will need to be invoked when initial attempts to resolve the concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Complaint

It is important to consider, when making a complaint, the time period that has elapsed since the incident. The school can only be reasonably expected to deal with, and address an issue, that has occurred within the last three months. That doesn't exempt a complaint being made outside of this time frame, but any subsequent investigation could be difficult due to the passage of time.

Wherever possible every effort will be made to resolve concerns and issues at the informal stage. (Stage 1)

Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible.
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible.
- Provide effective and appropriate responses to concerns and complaints.
- Keep complainants informed of the progress of the complaints process
- Maintain good relationships between the school and all those involved.

Key principles of this policy are:

- **Accessibility** – the policy will be available on the school’s website, the Trust website and can be requested from the schools’ office. It will be in a useable format, free from jargon and will assume no specialist knowledge.
- **Good communication** – the school will be happy to explain the process for dealing with concerns and complaints.
- **Timescales** - there will be clear timescales which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant.
- **Confidentiality** - appropriate confidentiality will be maintained by all those involved (including school staff and governors).

The Trust will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

- That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given.

The complainant may choose to take no further action or take their complaint to the next stage.

The Stages of the Complaints Process

(Flowchart of process at appendix 2)

Stage 1 – Informal

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done by telephone, in writing or in person by appointment. This is usually the best and quickest way of resolving issues. If you are unclear who to contact or how to contact them, you should contact the school office.

In some cases the class teacher may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally. It would be helpful to identify at this point what outcome you are looking for in order for us to address your concern quickly and effectively.

- *It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue.*
- *The purpose of this meeting will be to establish the nature of the concern and to seek a resolution to the problem.*
- *Governors should not be approached to champion a concern on your behalf and will refer parents to the most appropriate member of staff.*
- *To ensure confidentiality concerns should not be raised in the school playground or public areas where staff, pupils or parents can overhear.*
- *It is important to recognise that schools are busy organisations and may not be able to offer an appointment immediately.*
- *It is expected that the class teacher will make a brief written record of the concerns raised and any actions agreed.*

If you are not a parent/carer of a child in our schools, please start at Stage 2 and make contact with the Head of School to discuss your concerns.

Stage 2 – Formal Written Complaint

If you feel dissatisfied with the outcome of discussions with the class teacher you should then contact the Head of School or a member of the Senior Leadership Team normally within 10 working school days of Stage 1 being concluded. You should contact the Head of School or a member of the Senior Leadership Team either by arranging an appointment to see them or by putting your complaint in writing and a form is enclosed as appendix 1 for this purpose. If you are not using the form, your letter should set out clearly the concern and why you feel the issue has not been resolved through informal channels. It is also helpful if you can set out what resolution you are seeking.

- The Head of School will consider the complaint and in doing so will:
 - Establish what has happened so far, and who has been involved;
 - Meet or contact you if they need further information;
 - Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
 - Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
 - Conduct any interviews with an open mind;
 - Keep notes of any interview for the record.

- The Head of School will keep in mind ways in which the complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better (please note this is not an admission of negligence);
 - 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 policies and practice in light of the complaint.

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Head of School will discuss the outcome of their consideration of your complaint with you and will send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Stage 3 – Governor Review Panel¹

If you are not satisfied with the response of the Head of School then you must write a formal letter of complaint to the Chair of Governors. The school will provide you with the Chair of Governors' name, or you can find it on the schools' websites. You should either complete the complaints form or write to the Chair of Governors at the school address, marking any envelope "urgent, private and confidential". Your complaint should be made within 10 working school days of the date of the Head of School's response to you. Please provide a copy of the written complaint, a copy of the Head of School's letter concluding Stage 2 of the Procedure and give details in writing of why you are not satisfied with the outcome. You will receive an acknowledgement of receipt of your complaint within 5 working school days.

- *The Chair of Governors' acknowledgement will inform the complainant that the Governor Review Panel will consist of three people, including one governor drawn from the local governing board (LGB) and who has not been directly involved in the matters detailed in the complaint and at least one governor from another LGB which is part of the Trust but independent*

of the management and running of the academy. In addition an independent person with relevant experience will be drafted onto the Panel.

- The Governor Review Panel will hear the complaint within 20 working school days of receiving the complaint.*
- A letter will invite the complainant to attend the Panel, outline the arrangements and will also explain that the complainant has the right to submit any further documentation relevant to the complaint by a specified date.*
- The complainant may bring a friend or someone else for support.*
- The complainant must have reasonable notice of the date of the Governor Review Panel; however, the Governor Review Panel reserves the right to convene at their convenience rather than that of the complainant.*
- An experienced governor will chair the Panel meeting.*
- Once the Panel has been held, the complainant and the school will be informed of their decision within 5 school working days. If it is not possible to meet these timescales then the Chair of the Panel will contact both parties to discuss a mutually convenient date. Further information on how the Panel operates and the process is attached at appendix 3.*

Stage 4 – Escalation to the Education, Skills and Funding Agency

If the complainant remains unsatisfied about the handling of the complaint, they have the right to refer the complaint to the Education, Skills and Funding Agency (ESFA). Complaints to the ESFA must be submitted online through the Schools Complaints Form or by post to Ministerial and Public Communications Division, Department for Education, School Complaints Unit, Piccadilly Gate, Store Street, Manchester, M1 2WD

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 ESFA finds that 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.

Where the complaint is about the school failing to meet standards set by the Department for Education (DfE), in any of the areas listed below and the complainant is unsatisfied with the outcome of the schools complaint's procedure, the complainant can refer their complaint to the DfE.

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

For more information or to refer a complaint to either the ESFA or the DfE, see the following webpage: <https://www.gov.uk/complain-about-school>.

Complaints against the Head of School

If the complaint is about the conduct of the Head of School and you feel that it has not been resolved at the informal stage, then you should move directly to **Stage 3** of the procedure and write formally to the Chair of Governors. The school will provide you with the Chair of Governors' name, or you can find it on the schools' websites. You should either complete the complaints form or write to the Chair of Governors at the school address, marking any envelope "urgent, private and confidential".

It is important to note that where you are unhappy about a decision the Head of School has made about a complaint, this does not become a complaint about the Head of School.

If the complaint is wholly or mainly about the Head of School, the Chair of the Governing Body will invite the Executive Head Teacher to investigate the complaint and the outcome of the investigation will be sent to the Head of School to respond to in writing within 10 school days. The Chair will send a copy of the Head of School's response to the complainant who will be asked to indicate within 5 school days of receipt of the response whether they are satisfied with the response. If the complainant is not satisfied with the response a Governor Review Panel will be convened and the arrangements for a Governor Review Panel will be put in place.

Complaints against an individual governor

If the complaint concerns the Chair of Governors or an individual governor you should write to the Clerk to the governors. The Clerk will acknowledge receipt of your complaint within five working school days. The letter will explain the

process that will be followed and the expected timescale for response.

The Chair of Governors will consider complaints about an individual governor and the Vice Chair will consider complaints against the Chair of Governors. If for any reason this is not appropriate then another governor will be nominated.

On conclusion of the investigation the complainant will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

Anonymous Complaints

Anonymous complaints, whilst difficult to manage and resolve, should be recorded and referred to the Head of School or the Chair of Governors in the same way as other complaints. The fact that a complaint is from an anonymous source should not in itself justify a decision not to pursue the matter; nor should it rule out referral to other procedures as appropriate, e.g. child protection.

Unreasonable Complainants Policy

The Trust 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 the schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the schools, hinder our consideration of their or other people's complaints'*.

Examples: A complaint may be regarded as unreasonable when the person making the complaint:

- 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 complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 Head of School or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head of School will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head of School or the Trust's Solicitor can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head of School or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Habitual and / or vexatious complainants can be a problem for school staff and governors. The handling of such complaints can place a strain on time and resources. Whilst the school endeavors to respond with patience and sympathy

to the needs of all complainants there are times when there is nothing further which can reasonably be done.

Each case will be viewed individually and decided on its merits. However, a complainant (and / or anyone acting on his or her behalf) may be deemed to be habitual or vexatious if previous or current contact shows that they may meet any or all of the following criteria, dependent upon degree.

On the occasion where complainants:

- a) Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);
- b) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. **Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints.**
- c) Are unwilling to accept proper and reasonably documented evidence of action.
- d) Are unwilling to accept that the Governor Review Panel has reached a final decision on a chosen course of action.
- e) Deny receiving an adequate response in spite of correspondence specifically answering their questions.
- f) Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.
- g) Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- h) Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Trust or governing body to investigate
- i) Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that in determining what is a 'trivial' matter can be subjective and careful judgments must be used in applying this criterion.
- j) Have, in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax.
- k) Discretion must be used in determining the precise number of 'excessive contacts' applicable under this section, using judgment based on the specific circumstances of each individual case.
- l) Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter,

only be continued through written communication. All such incidences will be documented.

- m) Have harassed or been either personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise however, that complainants may sometimes act out of character in times of stress, anxiety or distress. They will document all instances of harassment, abusive or verbally aggressive behaviour.
- n) Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- o) Make unreasonable demands on the complaint procedure and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable within the complaints procedure or normal recognised practice).

Dealing with Habitual or Vexatious Complainants

Where complainants have been identified as habitual or vexatious under this policy, taking account of the above criteria, the Head of School and Chair of Governors will determine what action to take. The complainant will be notified in writing of the reasons why he or she has been classified as habitual or vexatious, what action will be taken and of the review procedure detailed in the next section.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record must be kept of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided that complainants will be dealt with in one or more of the following ways:

- a) Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
- b) To restrict contact to liaison through the office.
- c) Notify the complainant in writing that the Governing Body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar

issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

- d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing Body shall not, withdraw or fail to provide any services which the complainant or their family are entitled to receive.
- e) In extreme circumstances inform the complainant that unreasonable or vexatious behaviour may result in legal action against them.

Review Decisions and Withdrawing 'Habitual or Vexatious' Status

Once a complainant has been determined as habitual or vexatious, such status shall be reviewed regularly (as provided below) and if / when appropriate, withdrawn. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

The Head of School and Chair of Governors will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.

If the person categorised as habitual or vexatious is not satisfied with the decision reached they may request that the decision be reviewed by the Governor Review Panel consisting of three governors to review the decision. Such a request for a review may only be received once in any six month period. Notice of that decision will be given, as far as is practical, within 15 working days of receipt of the request.

The Governor Review Panel on review may either confirm or withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If the Governor Review Panel considers it appropriate to withdraw the status of a habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Clerk who will hold and maintain a central register of such decisions.

Repetitive communications

If an individual is so persistent and vexatious against the school (e.g. with repetitive communications) they will be invited to make a complaint in respect of any issue they are raising to bring them within the complaints policy. Should they remain vexatious following the outcome of that complaints investigation or if they choose not to follow the complaints process, then the process outlined in Paragraph 4 may be applied.

If communication is so substantial that it becomes unreasonable, all communication may be directed to a Member of the Senior Leadership Team or the Trust's Solicitor who will review all communication to decide how the school will respond.

Time Limits

The complainant will be notified that their complaint has been received within ten school days of receipt and detail the course of action expected. Complaints need to be considered, and resolved, as quickly and efficiently as possible. There are realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Follow up to any complaint

It is important for the Head of School and staff to follow up any complaint at later stages to ensure that the issue(s) have been fully resolved and satisfaction is achieved in a sustained way.

Monitoring and review

The Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The monitoring and review of complaints may be a useful tool in evaluating the schools performance.

The Local Governing Boards will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Any outcomes may need to be reflected on the school improvement plan.

Complaints information may be shared with the whole Governing Body but individuals will not be identified.

This policy is available on the website and how to access it is detailed in the school prospectus, home school agreement or by request at the school office.

This policy will be reviewed every three years and every time a formal complaint reaches stage 2 or 3, whichever is earlier or where legislation and good practice guidance is updated.

Staff, trustees and governors will take part in training to raise awareness of the Trust's procedures and to develop their skills in dealing with complaints.

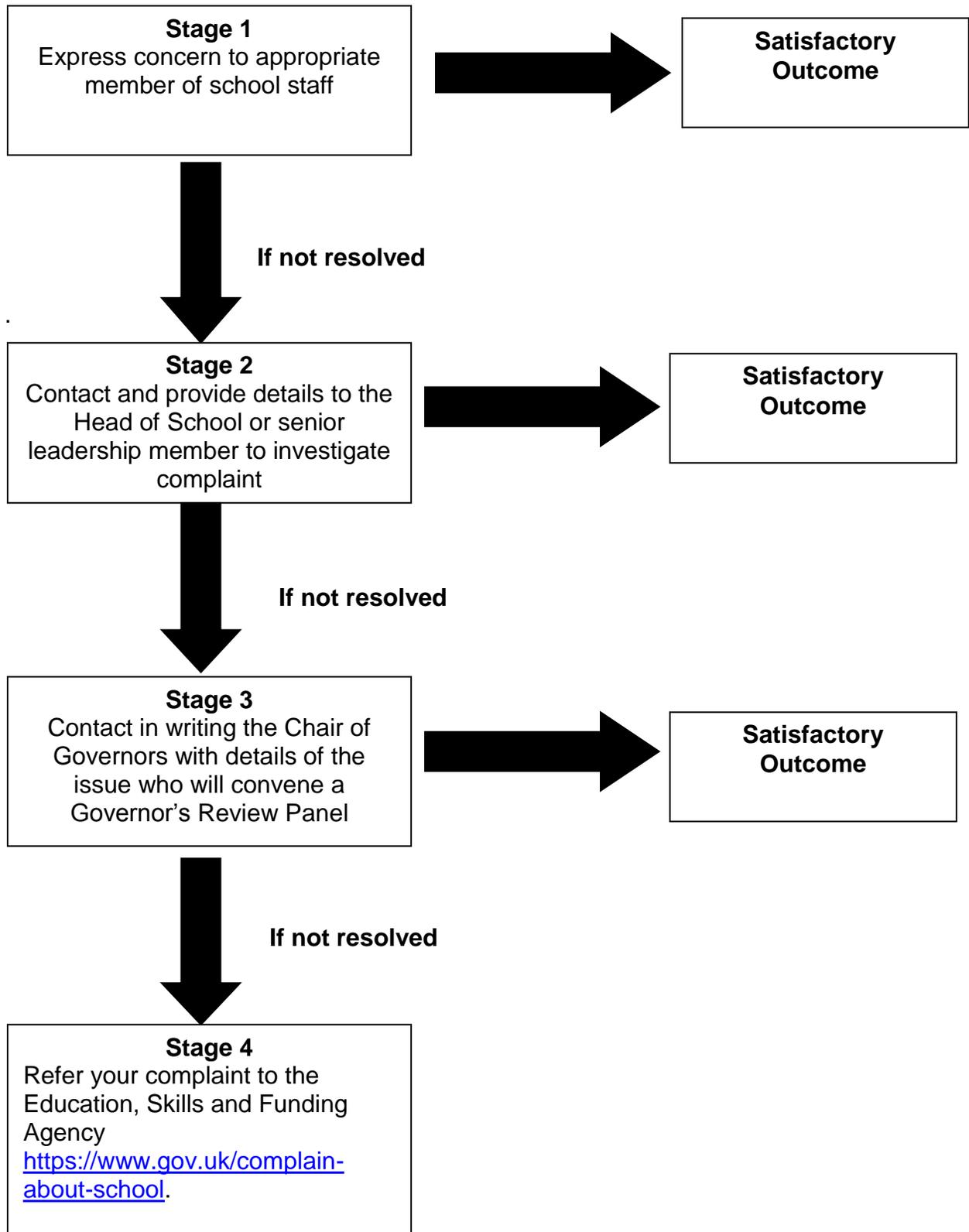
Complaints Form

Appendix 1

Please complete and return to who will acknowledge receipt and explain what action will be taken	
Your Name	
Pupil's Name	
Your relationship to the Pupil	
Address	
Postcode	
Daytime Tel Number	
Evening Tel Number	
Please give details of your complaint here	
What actions, if any have you taken to try and resolve your complaint	
What actions do you feel might resolve the problem?	
Are you attaching any paperwork?	
Signature	
Date	
For Office Use only	
Date acknowledgement sent	By Whom
Complaint referred to:	Date:

Model Complaints Procedure Flowchart

Appendix 2



Panel Hearing

- At the panel hearing;
 - The complainant will have the opportunity to present their complaint.
 - The Head of School will explain the school's position.
 - Those present will have the opportunity to ask questions.
 - Panel members will have the opportunity to ask questions of the complainant and the Head of School.
 - The Head of School will be given the opportunity to make a final statement to the panel.
 - The complainant will be given the opportunity to make a final statement to the panel.
 - The Chair will ask the complainant if he or she feels they have had a fair hearing.

- The Chair of the Panel will ensure that detailed notes are taken.

- The Chair of the Panel will explain to the complainant and Head of School that the Panel will consider its decision and that a written decision will be sent to both parties within five working schooldays. The complainant, Head of School, other members of staff and witnesses will then leave.

- The Panel will then consider the complaint and all the evidence presented and;
 - Agree a decision on the complaint;
 - Decide upon the appropriate action to be taken to resolve the complaint; and
 - Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
 - The Panel's deliberations will not be recorded.

- A written statement clearly setting out the decision of the Panel must be sent to the complainant and Head of School. The letter to the complainant will also advise how to take the complaint further.
- The school will ensure that a copy of all correspondence and notes are kept on file in the school's records. This material will be treated as confidential. These records will be kept separately from the pupil's personal records.

Complaints Procedure 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 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:-
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
 - effectively liaising with the complainant 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 Governor Review Panel Clerk (this could be Clerk to the Governors)

The Clerk is the contact point for the complainant for the Governor Review Panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties as far as possible 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 notes of the panel hearing;
- notify all parties of the panel's decision.

The Governor Review Panel Chair

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

- notes are taken of the meeting;
- 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;

- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- 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 prior to the Panel meeting – if a new issue arises everyone will be given the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk.

Panel Members

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;
- 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 a child/young person is 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. The panel should ask in advance if any support is needed to help them. 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.

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

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.

Interviewing

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. 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 Head of School/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.

Taking Statements

When taking a statement it is desirable that the witness writes this themselves using their own words. If this is not possible a scribe can be used but the statement should be read back to the witness. Statements should be signed and dated.

Statements should be produced as soon after the event as possible to provide a clear recollection of the matter. Witnesses should not be asked leading questions in order to stimulate a particular response from them; however, open questions may be used to obtain sufficient detail from a witness, if they are unable to provide a full written account.

Witnesses who are providing statements should not be allowed to corroborate their accounts of an event. It is desirable for them to be kept apart prior to the production of statements.

Some parents/carers may be reluctant for their child to provide a witness statement in certain circumstances and it is suggested that discretion is used and for the investigator to check this with parents/carers beforehand.

The Appointment of the Independent Panel Member

The Governor Review Panel will be made up of a number of governors, including an Independent Panel Member and at least one governor drawn from the Trusts'

local governing boards (LGB) and who has not been directly involved in the matters detailed in the complaint and is independent of the management and running of the academy. The Panel will normally consist of at least three persons.

The Education (Independent School Standards (England) Regulations 2014 requires academies to ensure that at least one member of a Governor Review Panel is independent of the management and running of the academy. The academy is advised that they should approach someone with relevant experience, for example in management or human resources and with appropriate knowledge of safeguarding procedures as the Governor Review Panel may have to consider information relating to vulnerable pupils.