



# Complaints Policy

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## Our aims

Burstow Primary School aims to:

- establish and promote a close relationship with all parents/carers, in the interests of their children;
- welcome parents'/carers' views about our school and act on them;
- take seriously and deal promptly with any expression of concern;
- inform parents/carers as soon as possible about any issues of concern to the school, so that we can work together to resolve them.

## What we do to avoid concerns arising

We recognise that children feel more secure when they receive consistent messages from both home and school. At Burstow Primary School we work closely with parents/carers in order to keep them informed of all aspects of school life. The ways we do this are:

- make sure a member of SLT is in person outside school every morning available to talk
- the home school agreement
- regular parents' evenings and phone calls
- records of achievement, target setting and review evenings for parents about their children
- the Family Liaison Officer
- the school website
- the monthly school newsletter
- homework diaries/contact books
- teachers talking with or telephoning parents
- class Facebook pages, with parent reps
- parent surveys
- videos for parents.

There is a section in the school's prospectus explaining how parents/carers can raise concerns. We also keep a copy of the same guidance on display in the school's reception area.

We ensure that all existing staff and new staff joining the school are made aware of this policy and the procedure for parents/carers to follow, should they wish to raise a concern. This is available from the school office and is in the policy folder on the computer network.

## How we respond to a concern raised by a parent/carer

At Burstow Primary School, we are committed to responding to parental concerns as quickly and sensitively as possible. Most concerns can be resolved by the child's class teacher and parents/carers are encouraged to make an appointment with the class teacher in the first instance, in order to discuss any concerns they may have regarding their child.

If parents/carers wish to discuss a concern with the head teacher, they should make a mutually convenient appointment in advance, so that sufficient time and attention can be given to the matter.

We aim to respond to initial letters and emails of concern from parents/carers within 24 hours and keep them informed at all stages if the matter cannot be resolved immediately.

In addition to Burstow School's own robust procedures for dealing with concerns, Surrey County Council also provides guidance for parents who wish to express a concern about their child's school. This can be found in the document 'Responding to concerns about Surrey County Council schools - guidance for parents, carers and the general public', which is available to download on the Surrey County Council website at [www.surreycc.gov.uk](http://www.surreycc.gov.uk)

## How we monitor and improve our practice

We keep a record of all concerns raised by parents/carers in the school concerns log. This helps us know more about:

- the nature of concerns received;
- the time taken to resolve each concern;
- the measures adopted to resolve each concern;
- how we can improve our service.

The head teacher and senior staff review the concerns log on a termly basis. In addition, the governing body reviews concerns received and how they have been resolved on a termly basis. They are only informed of general details; the particulars of all individuals involved remain anonymous. The governing body only reviews concerns that have been resolved to the satisfaction of all parties.

These measures ensure that appropriate consideration is given to any underlying issues, which may need to be addressed by the school and governing body.

## 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 [Burstow 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. [Burstow 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, [Burstow Primary School](#), will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, [the Headteacher](#) will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, [Burstow 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, email or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the class teacher. If the issue remains unresolved, the next step is to arrange to speak with the Headteacher or Deputy Headteacher.

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 Stage 2 of the procedure.

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.

Complaints that involve or are about the Headteacher should be addressed to [Burstow Primary School](#) (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to [Burstow Primary School](#) (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 [Burstow 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"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Surrey County Council.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<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> <p>Call 999 is an emergency if Police are required.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</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"> <li>• Whistleblowing</li> </ul>	<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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. If there is a concern about Children’s Safeguarding either alert the Police, or the Local Authority Designated Officer (LADO).</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 [Burstow 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.

## Resolving complaints

At each stage in the procedure, [Burstow 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 by making appropriate changes where necessary or possible.
- 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.

# Stages to making a complaint

## STAGE 1 - APPROACHING THE TEACHER

The vast majority of concerns expressed by parents/carers are dealt with effectively by the child's teacher, without the need to take these concerns further.

If you have a concern you wish to raise with the school, you should, where possible, make an appointment with your child's teacher to discuss the concern.

The teacher will make a note of the date of the meeting, you and your child's name and contact details, and a brief account of the issue and how it will be resolved. These details will be read back to you and you will be asked if you would like a copy. The teacher will also make the head teacher aware of your concern and will add details to the school's central concerns log.

The teacher will reassure you that the matter will be investigated thoroughly (usually within five working term-time days) and may be able to explain how the situation arose. The teacher will also make sure that you are clear as to what action, or monitoring of the situation, has been agreed, putting it in writing if you request it. Any action taken to address a staff disciplinary/capability matter will not be disclosed to parents, other than to say that appropriate action has been taken.

If parents/carers contact the Local Education Authority at this stage, they should be advised to talk directly to the school. The local education officer is available to assist the school in dealing with complaints, but is not permitted to take sides. The role of the education officer is to ensure that the integrity of the complaints procedure is maintained by all those involved.

## STAGE 2 (A) - APPROACHING THE HEAD TEACHER

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), by emails, 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 3 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 15 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 [Burstow 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 2.

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 2.

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 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **STAGE 2 (B) - MEDIATION MEETING**

If the head teacher has been unable to resolve the issue satisfactorily, you should request a meeting with a nominated member of the governing body and the head teacher to discuss the concern further, with the expectation that the matter can still be resolved through mediation. An independent person, who has had no prior involvement with your concern, will keep a written record of this meeting and minutes will be circulated to all involved parties.

## **STAGE 3 - APPROACHING THE SCHOOL'S GOVERNING BODY**

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 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 3 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 **3** 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 **30** school days of receipt of the Stage 3 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.

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 [Burstow 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 3.

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 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **20** 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 **15** 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 [Burstow Primary School](#) with a full explanation of their decision and the reason(s) for it, in writing, within **7** 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 [Burstow 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

Stage 3 will be heard by a committee of independent, co-opted 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 [Burstow 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 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by [Burstow Primary School](#). They will consider whether [Burstow 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](http://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.

**OTHER CONTACT**

- LADO - In Surrey - 0300 123 1650
- Police - In an emergency call 999

# Complaint Form

Please complete and return to [Headteacher](#), who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**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 children/young people and other people relevant to the complaint
  - 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 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.

## Complaints Co-ordinator (this could be the Headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## 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 (and complaints co-ordinator, if the school has one).

## 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.

## BURSTOW'S RECORD OF MEETING WITH A PARENT

Date of meeting:	Member of staff's name:	Name of parents/carers present:	
Time of meeting:	Role in school:	Name of the child it is regarding:	
	Any other adults present:		
Issues of concern raised	•		
ACTIONS in school to be taken:	• • • • •	By when?	• • • • •
ACTIONS by parents and child to be taken:	• • • • •	By when?	• • • • •
Date to be reviewed and date for any further meeting			

**What to do next:**

1. A Copy of this form is to be made now and given to the parent.
2. A copy of this form is to be given to the head teacher who you will also update verbally so that he/she is aware of what has taken place. Please keep this form in your own 'Concerns raised by parents' class file, kept safely in your teacher cupboard.
3. The head teacher will log this in the schools' central 'Concerns raised by parents' log.
4. Records of the number and nature of concerns raised will be reported to governors on a termly basis.
5. The teacher will put in place the agreed actions within the agreed timeframe and let parents know.

## Formal complaint timescales

If an informal approach is not appropriate, or has been unsuccessful, the following are recommended timescales for the administration of the formal complaint process.

### Stage 2 - Headteacher/ Chair of Governors investigation

Action	School days from receipt of complaint	Letter to be sent
Receipt of complaint	0	
Acknowledgement of receipt	Within 3 days	
<i>Investigation takes place, including meeting with complainant</i>		
Headteacher to provide written response	Within 15 days	2a
<i>Complainant has 10 school working days to request escalation to Stage 3</i>		

### Stage 3 - Governors Complaints Committee meeting

Action	School days from receipt of request for Committee meeting	Letter to be sent	Number of school days before Committee meeting
Complaint received	0		30
Clerk writes to complainant to acknowledge receipt of request for Committee meeting.	Day 0 to 3	Letter 3a	At least 27 days
Clerk writes to Headteacher to	Day 0 to 3	Letter 3b	At least 27 days

inform him/her of the request for a Committee meeting.			
<i>Clerk convenes Committee and organises the meeting</i>			
Clerk writes to complainant to confirm meeting date, time and venue, and requesting all paperwork to be considered by the Committee	Day 7 to 10 (depending on date of letters 3a and 3b)	Letter 3c	At least 20 days
Clerk writes to Headteacher to confirm meeting date, time and venue, and requesting all paperwork to be considered by the Committee	Day 7 to 10 (depending on date of letters 3a and 3b)	Letter 3d	At least 20 days
Receipt of paperwork by the clerk	Day 8 to 15 (depending on date of letters 3a and 3b)		At least 15 days
<i>Clerk collates paperwork</i>			
Circulate all paperwork to all attendees	Day 9 to 25	Letter 3e	At least 5 days
Meeting	Within 30 days		0

Outcome letter	Within 37 days	Letter 3f	Within 7 days of the meeting
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All timescales in this document refer to school working days i.e. excluding weekends, school holidays, Inset days etc.

*NB - schools should consider offering flexibility with any aspect of the complaints procedure in order to support a complainant who has additional needs.*

## Undertaking a Stage 2 complaint investigation

### Who should undertake the investigation?

In most cases the investigation will be undertaken by the Headteacher. The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

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 2. If appropriate it may be helpful to arrange for a governor from a different school to undertake the investigation e.g. if there is no one appropriate on the school's own governing body. When identifying a governor to undertake the investigation the following points should be considered:

- Is the governor impartial, with no previous involvement in the issues raised?
- Does the governor have the time to complete the investigation within the time-scale?
- Is the governor fully conversant with the complaints procedure (preferably having attended training)?

### Meeting with complainant

We recommend that the Headteacher or stage 2 investigator should meet with the complainant at the outset of the investigation, in order to:

- Gather details about the specific issues involved in the complaint (e.g. dates, names of those involved etc.)
- Establish desired outcomes
- If possible identify a resolution or way forward.

The investigator may wish to invite the Area Schools Officer to attend the meeting, in order to offer impartial procedural advice to both parties.

Notes should be taken at the meeting, by a designated note-taker rather than any of the participants. The notes should be circulated to all parties after the meeting. If the complainant disputes the content of the notes, and the matter cannot easily be rectified, the school may offer to retain the complainant's version on file alongside the school's version.

At the beginning of the meeting, it may be helpful to state that electronic recordings will not be permitted, unless a complainant's own disability/special needs require it. Prior

knowledge and consent of all parties attending must be obtained before recording takes place. Consent (or the fact that it was not given) will be recorded in the notes. Investigators should bear in mind, however, that the complainant may record the meeting anyway.

The investigator should ensure that all parties have received a copy of the school's current complaints policy.

The investigator should approach the process with an open mind, and as an opportunity to improve practice. A genuine intention to investigate the complaint fully and openly should be demonstrated, with no indication of any predetermined outcomes.

At the end of the meeting, the Headteacher/investigator should thank the complainant for attending, and summarise the concerns, areas for investigation and/or agreed actions. Ideally the complainant should be asked to sign this summary at the conclusion of the meeting.

### **Planning the investigation**

- Decide which policies/procedures are applicable
- Identify lines of enquiry and witnesses
- Identify the relevant documentation to be considered (e.g. behaviour logs, health and safety records, emails/letters etc.)
- Seek advice from the Area Schools Officer

Investigators should remember that their actions will be considered in detail if the complaint is escalated to Stage 3.

### **Witness statements**

When taking a statement it is desirable that the witness writes this him/herself 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.

### **Conducting discussions with children/young people**

Consideration should be given to ensuring that routine record keeping procedures are robust enough to support a potential complaints investigation at a later date. This particularly applies to complaints about bullying and behaviour management issues.

It may not always be possible to conduct an interview/discussion with a pupil in case it prejudices another procedure e.g. referral to the Local Authority Designated Officer (LADO) or police investigation.

Where the investigation is undertaken by a governor, care should be taken to create a supportive atmosphere in which the child is able to talk freely about their concerns and their feelings and wishes. The interview/discussion should take place in the presence of an appropriate member of staff or the parent.

### **Conducting interviews with staff/other witnesses**

The investigator should explain the complaint and their role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.

Staff may have a colleague present to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The investigator should:

- Use open, not leading questions.
- 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, and not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. 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.



It should be noted that any written information could subsequently be requested under the Freedom of Information Act/ Data Protection Act. The Area Schools Support Service can offer advice in these circumstances.

## **Outcomes**

The Headteacher/investigator should provide the complainant with their findings in writing within 15 school days of receipt of the complaint. Within this formal written response there should be a clear statement of the evidence considered, the reasons why the investigator has reached their conclusions, and next steps to be taken.

Conclusions should be based on the balance of probabilities. In some cases it may not be possible to reach a definitive conclusion about an issue, and this should be clearly stated in the letter.

## **Complaints that result in staff capability or disciplinary**

If it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

## **Administration of a Stage 3 Governors Complaints Committee meeting**

This stage of the process is managed by the Clerk to the governing body, or a Clerk appointed specifically for this task. The Clerk is responsible for convening the Governors Complaints Committee, arranging the date and venue, communicating with all parties and collating and distributing paperwork. The Clerk can obtain advice from the Area Schools Officer (ASO), who is also able to attend the Committee meeting to provide procedural advice (for those schools which buyback their service).

### **Convening the panel**

The DfE model complaints procedure states that the committee should be formed of the first three, impartial governors available. The governors should have had no prior involvement or knowledge of the complaint. Consideration should also be given to equality and diversity issues.

If there are fewer than three governors from the school available, the Clerk will source additional, independent governors to make up the committee. Alternatively, an entirely independent committee may be convened.

### **Venue for the meeting**

In most cases the school is considered by all parties to be an appropriate venue for the meeting, but the Clerk should ensure that due consideration is given to any wishes expressed regarding this.

The Clerk should ensure that three rooms are available - one for the meeting itself, and two “breakout” rooms to be used if an adjournment is required.

### **Paperwork for consideration by the Committee**

As the Stage 3 Governors Complaints Committee will be reinvestigating the complaint, it is vital that a comprehensive pack of written evidence is submitted by the Headteacher/Stage 2 investigator, which includes the evidence they relied upon to reach their conclusions. (The names of other pupils and parents should be redacted). Even if the investigation has been thorough, if the Stage 3 Governors Complaints Committee considers that the evidence available to them is incomplete, they may request a reinvestigation.

The Clerk should make clear to both parties that they must provide their own paperwork to support their case, and not assume that the other party will do so.

# Advice for members of the Stage 3 Governors Complaints Committee

## Prior to the meeting:

- Decide who will act as the Chair of the Complaints Committee.
- Thoroughly read all paperwork provided, and identify questions/ lines of enquiry to be pursued at the meeting.
- Decide whether to deal with the complaint by inviting parties to a meeting or through written representations. In most cases the most appropriate option is to hold a meeting with all parties, but due consideration should be given to the complainant's needs.
- Consider whether witnesses need to be called to attend.

## During the meeting:

Guidance for the Chair of the Committee is given.

The purpose of the meeting is to consider the complaint afresh rather than simply review the handling of the complaint at the earlier stages. *This is a significant change from previous versions of the complaints procedure.* Therefore, it is extremely important for the Committee members to ensure that they obtain as much information as possible during the meeting to enable them to reach decisions on the issues raised.

## Following the meeting:

A checklist for the Committee's deliberations is given.

The Committee members can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part

If the complaint is upheld wholly or partially, the Committee will make recommendations, which may include:

- An apology
- Further reinvestigation by school staff or an external investigator
- Changes to the school's systems/procedures to prevent similar issues in future
- Mediation with the aim of restoring relationships