

Complaints Policy and Procedures

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Adel Primary School Complaints Policy

- This policy statement sets out the school's approach to dealing with concerns and complaints. Further details of how we handle them are contained in our procedures document, Adel Primary School Complaints Procedures, which you can obtain on request from the school office.
- We value good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
- We welcome feedback on what parents and others feel we do well, or not so well, as a school. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
- We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils.
- All school staff and members of the governing body, will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with concerns and complaints, to which they will have access as required. The policy is available on request and also on the school's website.
- The school's procedures will be reviewed regularly and updated as necessary.
- Staff and governors will receive training in handling concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.
- Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint once all the stages of the school's procedures have been exhausted, if this appears to be appropriate.
- The government and the local authority advocate resolution of concerns and complaints at school level wherever possible, in the interests of maintaining good home/school relations. The role of the local authority in advising parents (other complainants) and schools on the handling of concerns and complaints is set out in the school's procedures.

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Adel Primary School Complaints Procedure

Adel Primary School's procedures for dealing with complaints

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 Adel 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. Adel Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. 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, Adel Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern

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

Concerns should be raised with either the class teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

How to make a complaint

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

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 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 the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

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 Adel Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
 Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals 	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Leeds City Council
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
 Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: <u>www.gov.uk/school-discipline-</u> <u>exclusions/exclusions</u> . *complaints about the application of the behaviour policy can be made through the school's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <u>www.education.gov.uk/contactus</u> .

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.	
Complaints from staff will be dealt with under the school's	
internal grievance procedures.	
Complaints about staff will be dealt with under the school's	
internal disciplinary procedures, if appropriate.	
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.	
Providers should have their own complaints procedure to deal	
with complaints about service. Please contact them direct.	
Please contact the Department for Education at:	
www.education.gov.uk/contactus	

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

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

Withdrawal of a Complaint

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

Adel Primary Complaints Procedure

To ensure you receive an effective response to your complaint, it will be helpful if you:

- co-operate with the school in seeking a solution to the complaint;
- express the complaint in full as early as possible; complaints must be raised within three months of an incident occurring;
- respond promptly to request for information or meetings or in agreeing the details of the complaint
- ask for assistance if needed; and
- treat all those involved in the complaint, with respect.

The procedure is divided into three stages;

The informal stage aims to resolve the concern through informal contact at the appropriate level in school.

Stage one is the first formal stage at which written complaints are considered by the Headteacher or the designated governor, who has special responsibility for dealing with complaints.

Stage two is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

Informal stage - your initial contact with the school

- 1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
- 2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If it is necessary, all members of staff know how to refer to the appropriate person with responsibility for your particular issues. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
- 3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
- 4. If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern.
- 5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
- 6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage one - formal consideration of your complaint

This stage in our procedures applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

- 1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "for the attention of the Chair of Governors".
- 2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school days.
- 3. We will enclose a copy of these procedures with the acknowledgement.
- 4. The complaint will either be investigated by the Headteacher or they may ask a senior member of staff to be the investigating officer.
- 5. Normally we would expect to respond in full within 15 school days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
- 6. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.
- 7. The Headteacher, or Chair of governors/designated governor* may also be accompanied by a suitable person if they wish.
- 8. Following the meeting, the Headteacher, or chair of governors/designated governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
- 9. If the complaint involves a pupil, his/her parent/carer will be contacted and, if interviewed, we will try to ensure the parent/carer is present. In some cases this might not be possible due to the urgency of the matter and a member of staff with whom the pupil feels comfortable, for example, a learning mentor, will attend the interview.
- 10. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
- 11. The Headteacher or Chair of governors/designated governor will keep dated records of all meetings and telephone conversations, and other related documentation.
- 12. With regards to meetings with yourself or other witnesses, accurate notes will be agreed by both/all parties.
- 13. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the Headteacher's or Chair of governors'/designated governor's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

14. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below. If you wish to move your complaint to stage two, you should contact us within **10 school days** of receiving our response.

*The designated governor will usually be the governor with allocated responsibility for dealing with complaints but may from time to time be another member of the governing body (including the chair of governors)

Stage two - consideration by a Governors Appeal panel

If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your views in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

However, the aim of a panel is not to reinvestigate the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

- 1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days** of receiving your request.
- 2. You will be asked whether you wish to provide any further written documentation in support of your appeal.
- The Headteacher (or whoever investigated at stage one) will be asked to prepare a pack of the documentation related to the investigation and the stage one outcome, for the panel. The panel can request additional information from other sources if necessary.
- 4. You will be informed, **at least five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.
- 5. With the letter, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
- 6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
- 7. In exceptional circumstances, and if it is necessary in the interests of the ratifying the investigative process, the Headteacher/complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.

- 8. The Chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
- 9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- 10. The Chair of the panel will ensure that the meeting is properly minuted. You will receive the written outcome of the panel meeting with the panel's decision. You may also request a copy of the minutes and should make this request at the start of the panel's proceedings.
- 11. During the meeting, you can expect there to be opportunities for:
 - the panel to hear you explain your case and your argument for why it should be heard at stage two;
 - the panel to hear the complaint investigator's case in response;
 - you to raise questions via the chair;
 - you to be questioned by the complaint investigator through the chair;
 - the panel members to be able to question you and the complaint investigator; and
 - you and the Headteacher/complaint investigator to make a final statement.
- 12. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the headteacher **within three school days**. All participants other than the panel and the clerk will then leave.
- 13. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority, decision on the case;
 - decide on the appropriate action to be taken by the school, if necessary; and
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
- 14. The clerk/chair of the panel will send you and the Headteacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education.
- 15. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.

Closure of complaints

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the Headteacher, designated governor, Chair of governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of <u>all</u> the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.

Where you have been through the school's internal complaints procedures and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website <u>www.education.gov.uk</u>, by telephoning 0370 000 2288 or by writing to the address below:

The School Complaints Unit (SCU) Department for Education Piccadilly Gate Store Street Manchester M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

We would advise parents that, unless the school is shown to have behaved unreasonable or not to have followed their own procedures, there is likely to be little further action that can be taken, as governing bodies are empowered to deal with many issues without reference to either the local authority or the secretary of state.

Other sources of information and advice

If your concern is about an aspect of special educational needs provision, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to Leeds SEND Information Advice Service (Leeds Special Educational Needs and Disability Advice Support Service) on their helpline:0113 395 1222.

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APPENDIX

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
 - \circ interviewing staff and children/young people and other people relevant to the complaint
 - \circ $\,$ consideration of records and other relevant information
 - $\circ~$ 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:
 - o 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.

Equality Impact Assessment

		Yes/ No	Comments
1.	Does the policy / guidance affect one group less or more favourably than another on the basis of:		
	■ age	No	
	 disability 	No	
	 gender reassignment 	No	
	 marriage and civil partnership 	No	
	pregnancy and maternity	No	
	■ race	No	
	 religion or belief 	No	
	■ sex	No	
	 sexual orientation 	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	N/A	
4.	Is the impact of the policy/ guidance likely to be negative?	No	
5.	If so, can the impact be avoided?	N/A	
6.	What alternatives are there to achieving the policy/ guidance without the impact?	N/A	
7.	Can we reduce the impact by taking different action?	N/A	