

# COMPLAINTS POLICY

## Policy Aim and Statement

At Heart of England School [‘the School’] we are committed to providing a first class education for all our students and to working closely with parents, carers and other stakeholders in a spirit of partnership. We hope to be able to resolve any issues with parents, carers and other stakeholders without recourse to formal procedures but recognise that they have the right to make formal complaints and to have these complaints taken seriously.

The aim of this Complaints Policy is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level with resolution being achieved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote confidence in the School’s ability to safeguard and promote welfare. The School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the School’s systems and procedures in the light of the matters raised.

The School needs to know as soon as possible if there is any cause for dissatisfaction. The School recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the School and the complainant and can also have a detrimental effect upon the School’s ethos and culture.

## Application

The School is an academy and is therefore governed by the Education (Independent School Standards) (England) Regulations 2010 (as amended) (“the Regulations”). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations (as well as equality legislation and the rules of natural justice).

This Complaints Policy applies to all concerns, difficulties and complaints other than those involving safeguarding issues. **Any concerns or complaints relating to a safeguarding issue should be made immediately direct to the Designated Safeguarding Lead (DSL).**

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

## The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The School will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- all parties will be provided with all information and documentation pertinent to the matters raised
- all parties will be given the opportunity to prepare and present their case and respond to the other parties involved

- all persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved
- all decisions made will be made on a balanced and considered assessment of the information before him or her only
- all decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion
- all decisions made will be supported by detailed reasons which will be disclosed to all parties involved

## **Equality Act 2010**

The School will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - remove or minimise disadvantages connected to a relevant protected characteristic
  - take steps to meet the different needs of those sharing a relevant protected characteristic
  - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low
  - foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to: tackle prejudice and promote understanding

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the School will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid. An auxiliary aid can be a piece of equipment or a service.

If a Complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the School know immediately.

Further details can be found in the School’s Equality Policy.

## **Terms Used**

For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced,

whether the student lives with them, whether the father or mother has parental responsibility for the student or whether they have contact with the student.

A “parent” will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school).

Any reference to a “student” will also include a prospective or former student of the School.

A “stakeholder” includes any person who has dealings with the School.

A person making a complaint will be referred to as a “Complainant” throughout this Complaints Policy.

The person investigating the complaint will be referred to as the “Investigating Officer”.

## **Procedure**

The School’s complaints procedure consists of four stages:

- Stage 1 – Concerns and difficulties, dealt with informally
- Stage 2 – Complaints formally investigated by the School Principal (or designate)
- Stage 3 – Complaints formally reviewed by the Chair of Governors (or designate)
- Stage 4 – Complaint Panel Hearing

## **Complaints about the Principal**

If a complaint is about the conduct of the Principal, the Chair of Governors will investigate the complaint under **Stage 2** of this Complaints Policy instead of the Principal.

The Vice-Chair of Governors (or designate) will review the complaint under **Stage 3** of this Complaints Policy instead of the Chair of Governors.

## **Complaints about Governors**

The governors at Heart of England School are bound by the Code and Conduct for the Governing Body a copy of which is available on the School website or by request from the Clerk to the Governing Body.

Any complaints about the conduct of individual governors should be made in writing to the Chair of Governors detailing the grounds for complaint. The Chair of Governors will acknowledge receipt of the complaint within **5 working days** and will investigate the matter over the next **10 working days**.

Following completion of the investigation, the Chair will respond directly to the complainant with the findings of that investigation.

Complaints about the Chair of Governors should be made in writing to the Vice-Chair who will follow the same process as above.

## Time limits

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the School is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the School will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**

## Late complaints

The School will not usually consider complaints made more than 6 months after the alleged matter has taken place. However, the School is willing to consider exceptions to this time limit in special circumstances.

Where the School decides that a complaint which was submitted late will not be investigated, the School will write to the Complainant notifying them of the decision within **five school days** of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Governors at the School asking for the decision to be reviewed. The Chair of Governors will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Governors will **not** investigate the complaint itself during this review.

The Chair of Governors will write to the Complainant with the outcome of the review within **ten school days** of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter.

If the Chair of Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way.

If the Chair of Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Governors can delegate the responsibility for the review to the Vice-Chair of Governors.

## Vexatious or Repeated Complaints

The complaints procedure will limit the number of complaints that become protracted. However, there may 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 the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The School also has an 'Unreasonable/Vexatious Complainant Policy' which outlines the actions that can be taken by the School in these circumstances.

## **Anonymous Complaints**

The School will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.

## **Data Protection Act 1998 and Freedom of Information Act 2000**

Complaints sometimes include requests for information or documentation. Such requests will either be a "subject access request" under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within forty calendar days, and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the School will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

Further details can be found in the School's Data Protection Policy and Freedom of Information Publication Scheme.

## **Resolution Principles**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the person investigating the complaint will;

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right

In considering how resolution could be achieved, the investigator will give due regard to the seriousness of the complaint. To bring the complaint to a resolution, it **may** be appropriate for the investigator to offer:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- 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 the School's policies in light of the complaint

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

## Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the School resulting from the complaint. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**
- The matter has been fully investigated and consequently further confidential procedures are being pursued. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

## Retention of Records

A full written record will be maintained centrally at the School of all complaints resolved under Stage 2 to 4 in accordance with the School's record retention procedures

## Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

## Publication

This Complaints Policy has been ratified by the Governing Body, and will be reviewed annually. It will be published on the School's website and provided on request by the School's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## Governing Body Review

The Governing Body 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. Complaints information shared with the whole Governing Body will not name individuals.

## Stage 1: Concerns and Difficulties

### 1. Concerns:

The School expects that most concerns and difficulties, where a parent, student or stakeholder seeks intervention, reconsideration or some other resulting action, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the School's systems or equipment, or a billing error.

### 2. Notification:

The concern or difficulty should be raised as follows:

**Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should contact the House Tutor or the Class Teacher in the first instance. If the concern is not resolved then the Curriculum Leader, Vice Principal: Inclusion or Vice Principal: Curriculum.

**Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should contact the relevant Pastoral Manager or the Assistant Principal responsible for Welfare & Conduct.

**Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should contact the relevant House Tutor, Pastoral Manager or Assistant Principal Welfare & Conduct.

**Financial and administrative matters** – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office.

**An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Head of Department or the Principal.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Curriculum or Subject Leader or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will inform the Complainant that they should put their complaint in writing to the Principal under Stage 2 of this Complaints Policy.

Where the first approach is made to a Governor he/she should refer the complainant to the Clerk to the Governing Body and advise them about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **3. Unresolved Concerns and Difficulties**

The School will aim to resolve a concern or difficulty within **fifteen school days** of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

### **4. Record of Concerns and Difficulties**

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached.

## **Stage 2: Formal Complaint to the Principal**

### **5. Notification**

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after **fifteen school days**, or a serious matter which requires formal investigation from the outset, should be set out in writing to the Principal. Should a formal written complaint be received by another member of the School's staff, it will immediately be passed on to the Principal.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the School should do to resolve the complaint. The **'Formal Complaint Form'** in Appendix 1 of this policy represents a good starting point in providing the required information when making a complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

### **6. Acknowledgement**

The formal complaint will be acknowledged in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

### **7. Investigation**

The Principal will decide whether to investigate the complaint personally or to delegate the investigation to a senior member of the leadership team. The investigation will involve obtaining and considering all documentation held by the School relevant to the complaint. If further information is required from the Complainant, this may be requested from them by telephone or in writing.

The Investigating Officer will interview the person(s) involved in the matter raised by the Complainant. A written record of the interview will be made, and the interviewee will be asked to read, sign and date the written record to confirm that it is accurate.

In situations where the complaint concerns an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present at the interview.

If the Investigating Officer deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.



## 8. Outcome

The Principal, or if delegated, the Investigating Officer, will write to the Complainant confirming the outcome of the investigation within **twenty school days** from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings of the investigation and the conclusion reached.

The letter will inform the Complainant that, if they are dissatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the Governors within **five school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Governors under Stage 3 of this Complaints Policy.

Where the complaint is received during a school holiday or within twenty days from the end of a term or half term, the Executive Principal will endeavour to expedite the investigation as soon as possible.

## Stage 3: Review by the Chair of Governors

### 9. Notification

If the Complainant is dissatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Governors within **five school days** of receiving the letter confirming the outcome following Stage 2 requesting that the complaint to be reviewed by the Chair of Governors,

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

### 10. Acknowledgement

The Complainant's letter requesting a review will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the request for review was received, the action to be taken and the specified time limit.

### 11. Review

The Chair of Governors will be provided with all documentation relating to the complaint **within five school days** of receipt of the letter requesting a review under Stage 3, including; the record of the Stage 1 informal procedure (if applicable); the original letter of complaint or Complaint Form; any documentation provided by the Complainant with their complaint; all investigation records under Stage 2; and the letter of outcome under Stage 2.

The Chair of Governors will review the documentation received and consider both the matters raised by the complainant and the investigation carried out under Stage 2. Should it be necessary, the Chair of Governors will speak to the persons involved in the investigation to clarify issues which were not confirmed during the Stage 2 investigation.

If the Chair of Governors deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

## 12. Outcome

The Chair of Governors will write to the Complainant confirming the outcome of the review within **twenty school days** from the date that the request for a review was received. The letter will set out whether the Chair of Governors agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any concerns/criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are dissatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Governors within **five school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

Where the request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Chair of Governors will endeavour to expedite the review as soon as possible.

## 13. Delegation

In appropriate cases, the Chair of Governors may delegate the review to another Governor to deal with in accordance with the procedure outlined above.

## Stage 4: Complaint Panel Hearing

### 14. Notification

If the Complainant is dissatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Governors requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Governors within **five school days** of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

### 15. The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the School by the Clerk to the Governors. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Governors. The third Complaint Panel member will be independent of the management and running of the School, i.e. they will not be a member of staff or a Governor, and will not be linked to the School in another way, for example as a parent of a student at the School. The independent Complaint Panel member will be the Chair of the Complaint Panel.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

*“Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other*

*schools, people with a legal background and retired members of the police force... Schools will of course have their own views”.*

## **16. Attendance**

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant’s supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented.

The School will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3. This person will be referred to as the “School’s Representative” for the purposes of Stage 4.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Governors.

## **17. Convening the Complaint Panel Hearing**

After selecting the Complaint Panel members, the Clerk to the Governors will write to the Complainant within **five school days** acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Governors within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Clerk to the Governors will liaise with the Complaint Panel, the Complainant and the School’s Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant’s request, unless there are exceptional circumstances.

The Clerk to the Governors will write to the Complainant confirming the date of the Complaint Panel Hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within **twenty school days** of receipt of the Complainant’s request, the letter will set out the exceptional circumstances involved.

## **18. Documentation**

The Clerk to the Governors will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant’s letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School’s Representative and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant’s family, members of the School’s staff and Governors, will be redacted and replaced with a letter representing that particular individual unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Governors to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Governors to forward it to the School's Representative and the Complaint Panel members.

## **19. Witnesses**

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which has been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Governors **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Governors to forward it to the School's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.

Members of staff of the School involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

## **20. Procedure at the Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside the room until they are called in to give their account);

The Complainant will be invited by the Complaint Panel to give an account of their complaint;

The School's Representative will be invited to ask the Complainant questions, if any; The Complaint Panel will ask the Complainant questions, if any;

At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;

The School's Representative will be invited to ask the Complainant's witness questions, if any;

The Complaint Panel will ask the Complainant's witness questions, if any; The Complainant's witness will be asked to leave the room;

If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;

The School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School;

The Complainant will be invited to ask the School's Representative questions, if any; The Complaint Panel will ask the School's Representative questions, if any;

At the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know;

The Complainant will be invited to ask the School's witness questions, if any; The Complaint Panel will ask the School's witness questions, if any;

The School's witness will be asked to leave the room;

If the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;

The Complainant will be invited by the Complaint Panel to summarise their complaint;

The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School's stance;

The Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.

## **21. The Complaint Panel's Decision**

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all the documentation and everything that they have heard at the Complainant Panel Hearing and make:

### **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

### **Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

## **22. Notification of the Complaint Panel's Decision**

The Clerk to the Governors will write within **ten school days** of the Complaint Panel Hearing to the Complainant, the School's Representative and any person complained about.

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.

The Clerk to the Governors will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the School's premises for inspection by the Governing Body and the Principal.

## **23. Factors for the Complaint Panel to Consider**

It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint.

The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it must be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly 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.

An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and non-adversarial.

Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The views of the child will be given equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity to make representations without undue interruption
- All the issues raised in the complaint are addressed
- Key findings of fact are made, on the balance of probability

- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the School
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings
- Each side is given the opportunity to state their case and ask question;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

## **Referral to the Education Funding Agency**

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

The Complainant can find further information about referring a complaint to the Education Funding Agency on this link:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.





**Formal Complaint form**

Please complete and return to the (Clerk to the Governing Body) who will acknowledge receipt and explain what action will be taken.

Your name:		
Student's name (if applicable):		
Your relationship to the student (if applicable):		
Address:          Postcode:		
Day time telephone number:	Evening telephone number:	
Please give details of your complaint.		

What action, if any, have you already taken to try and resolve your complaint at an informal level. (Who did you speak to and what was the response)?

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:

Who by:

Complaint referred to:

Date: