



## Complaints Procedure

**Approved by:** Governing Body

**Date:** 15<sup>th</sup> September 2020

**Last reviewed on:** December 2018

**Next review due by:** July 2022

### 1. INTRODUCTION

#### 1.1. Policy Aim

The aim of the policy is to ensure that all complaints, including those related to special educational needs provision, are resolved as soon as possible and in a manner that is fair to all concerned. It is recognised that most complaints are genuinely felt by the complainant.

The policy complies with Section 29 of the Education Act 2002 and is in line with the Department for Education's 'Best Practice Advice for School Complaints Procedures 2020'.

The school will ensure this policy is published on the school website. Copies are also available from the school office.

#### 1.2. Who can make a complaint?

Any person, including members of the general public, may raise concerns or lodge a complaint. Anonymous complaints will not be investigated *under this procedure* unless there are exceptional circumstances.

### 1.3. Stages of the Complaints Process

INFORMAL RESOLUTION AT THE EARLIEST OPPORTUNITY		
	Resolution by discussion with staff member and/or headteacher and/or Chair of Governors	<i>See section 2</i>
<b>THE FORMAL COMPLAINTS PROCESS</b> <i>See section 3-5</i>		
<b>Stage 1 of the formal process</b>	Complaint investigated and determined by the headteacher or Chair of Governors (or their appointee).	<i>See section 4</i>
<b>Stage 2 of the formal process</b>	Complaint investigated and determined by a panel of three governors	<i>See section 5</i>

## **2. INFORMAL RESOLUTION AT THE EARLIEST OPPORTUNITY**

The school aims to work positively with everyone in the school community and genuinely wants to know at the earliest opportunity if there is any cause for dissatisfaction. This will allow improvements to be made where necessary, offer reassurances where relevant and ensure that trust, transparency and good relationships are developed across the whole school community.

Concerns or complaints should be raised as soon as possible while matters are fresh in everyone's mind. The aim is to handle the issue without recourse to formal procedures wherever possible. In most cases the staff member most directly involved will receive the first approach. Staff should be able to resolve many issues on the spot, including apologising where necessary.

Anyone who has a concern or complaint that is not resolved by speaking directly to the staff member most closely involved is asked to contact the headteacher. If the concern or complaint relates to the headteacher themselves, it is still best for the complainant to raise the matter with them directly but, if the complainant prefers, they may contact the Chair of Governors for an informal discussion.

At the earliest stage the complainant should be asked what they think might resolve the issue. If it becomes apparent that the complaint is justified, the school will consider how to make amends in the appropriate way. Some possible remedies are listed at paragraph 4.6 below.

There may be occasions where complainants would like to raise their complaints formally. In these cases the formal complaints process will be invoked as outlined below.

### **2.1. Mediation**

If, at any time, throughout the procedure from informal to the final stage (i.e. panel meeting), the school feels that external mediation would help resolve the complaint, they can seek the services of a mediator. The mediator should preferably be someone trained or experienced as a mediator and someone trusted by the school and complainant to act independently.

Mediation can only be used with the agreement of all the parties involved.

The complaints procedure is suspended during mediation but if the mediation is unsuccessful the complainant can request for it to resume.

The Local Authority may offer mediation services or be able to put the school in touch with someone who can.

Where mediation would incur a cost to the school, serious consideration should be given to whether it would constitute good value for public money. This will depend upon the nature and seriousness of the complaint and the need to maintain or repair relationships for the future.

### 3. THE FORMAL COMPLAINTS PROCEDURE

#### 3.1. Complaints Covered by the Formal Complaints Procedure

This complaints procedure covers all complaints about the school's provision of facilities or services except for those listed below for which there are separate, often statutory, procedures.

Exceptions	Who to contact
Child protection and safeguarding concerns	<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). <a href="mailto:lado.safeguardingchildren@oxfordshire.gov.uk">lado.safeguardingchildren@oxfordshire.gov.uk</a></p>
Issues relating to staff discipline and staff capability	Contact the headteacher but these matters will invoke separate procedures under employment regulations. Complainants will not be informed of the outcome of any investigation.
Admissions to schools	Concerns should be raised direct with Oxfordshire County Council. Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Statutory assessments of Special Educational Needs (SEN)	Concerns should be raised direct with Oxfordshire County Council.
School re-organisation proposals	Concerns should be raised direct with Oxfordshire County Council.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="https://www.gov.uk/school-discipline-exclusions/exclusion">https://www.gov.uk/school-discipline-exclusions/exclusion</a>
Whistleblowing	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
Employee grievance	Contact the headteacher. These matters will be handled under separate procedures

Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

3.1.1. Where a complaint is lodged which falls outside the remit of the complaints procedure the complainant will be informed. Where relevant they will be directed to the appropriate body e.g. the County Council. If the matter falls within the remit of other procedures at the school such as Staff Capability or Staff Discipline, significant issues of confidentiality are raised. The complainant will simply be informed that, “The outcome of your complaint is that the matter has been referred to the appropriate procedure.”

3.1.2. If at any stage during the formal complaints process, it becomes apparent that the complaint does not properly fall within the remit of the complaints process, the complaints procedure will be stopped and the complainant informed as in paragraph 3.1.1 above

## 3.2. The Difference Between a Review and a Reconsideration

### 3.2.1. *Review*

Where a complaint has been made against actions or decisions taken by the headteacher which are entirely within the headteacher’s own remit and professional terms and conditions of service, the complaints process does not have the power to overturn the decision or direct the headteacher to consider the complaint afresh.

The function of the complaints procedure in these circumstances is to ensure that the complaint has been properly handled: i.e. all procedures and policies have been correctly followed and that the complaint has been comprehensively investigated, given all the information that was available at the time.

Additionally, the complaints procedure can **review** whether the headteacher acted “reasonably” i.e. the response was one within a reasonable *range* of responses that might have been made by other headteachers in similar circumstances.

### 3.2.2. *Reconsideration*

Where a complaint is made in relation to a matter which is the governing body’s responsibility – including where the headteacher has exercised that responsibility under delegated powers – the complaints process can **reconsider** the matter and any previous decisions can be overturned. The complaints process can consider any new information that was not available at an earlier stage in the complaints process.

### **3.3. Fair Process**

The school's formal complaints procedure is intended to be fair to all concerned and will be modified as necessary to suit individual needs and circumstances, for example to accommodate a person who has specialised communication or access requirements. Complainants are asked to notify the school at the earliest opportunity if they have special needs that may impact upon the implementation of the complaints procedure.

### **3.4. Confidentiality**

The school and the complainant should both respect people's desire for confidentiality. Complainants should be aware that information provided in relation to a complaint may need to be shared with others within the school community as part of the proper investigation of the complaint.

It is important to remember that a complaint may eventually need to be heard by a panel of governors. Confidentiality should be maintained to ensure there are sufficient governors, untainted by prior knowledge of the complaint, to form an independent panel if required.

### **3.5. Timeliness**

The school aims to resolve any complaints in a timely manner. Time limits for each stage of the complaints procedure are listed in the relevant paragraphs below. Where the school is unable to meet the timescales stipulated in the procedure, the complainant will receive an explanation and details of a new deadline.

Formal complaints lodged more than three months after the incident to which they relate will not be considered except in exceptional circumstances. Complainants who wish to lodge a late complaint are asked to contact the headteacher (or, if the headteacher is the subject of the complaint, the Chair of Governors) and explain the reasons for the delay. The headteacher (or Chair of Governors) will decide if the explanation constitutes reasonable excuse and inform the complainant within 7 school days.

The complainant has a right to appeal this decision within 7 calendar days. If the decision on the late application was taken by the headteacher, the appeal should be to the Chair of Governors. If the decision was taken by the Chair of Governors, the appeal is to the Vice Chair of Governors. The complainant will be notified of the outcome of any appeal within 7 school days of receipt of the appeal.

*Note: For the purpose of Great Tew School's Complaint Procedure, a 'school day' is defined as a week day (Monday-Friday) during term time when the school is open. A 'calendar day' is defined as any day of the week, including weekend, bank holidays and school holidays.*

### **3.6. Communication Between the School and the Complainant**

Where possible, communications will be through email as this is likely to speed up the complaint process and prove cost effective. The email address for complainants to use in the first instance is [office.2104@great-tew.oxon.sch.uk](mailto:office.2104@great-tew.oxon.sch.uk) but complainants may be offered an alternative address during the course of the formal procedure.

Complainants will be given a reference number for their complaint. This should then be used in the subject heading of any email they send to the school about the complaint. This will allow the complainant's email to be forwarded to the correct person without being opened by others.

On the formal complaint form, complainants are asked to provide the school with a suitable email address or to inform the school if they do not wish email to be used for complaint-related communications. Complainants are asked to acknowledge receipt of emails by return wherever possible.

If complainants have asked not to be contacted by email, or where emails have not been acknowledged, items will normally be sent via first class post or hand-delivered. Some key communications may be sent via Royal Mail's 'signed for' service

Complainants should note that the school does not receive post during the school holidays and there are no facilities to accept hand-delivered items outside of the school day. The school's email account may also not operate during school holidays.

### **3.7. The Complainant's Cooperation With the Complaints Procedure**

Complainant cooperation with the complaint procedure is vital if the procedure is to succeed in resolving complaints. Appendix 2 outlines some Department for Education advice for complainants.

If a complainant frustrates the procedure – for example by failing to respond to requests for information or by introducing undue delay or diversions – the school may be unable to continue with the procedure. In those circumstances the school may close the complaint after warning the complainant that this could be the outcome if they continue not to be cooperative.

### **3.8. Record Keeping**

Once this formal stage of the complaint has been reached, all communications between the complainant and the school about the complaint should be logged, preferably with a contemporaneous or near contemporaneous note being taken of all conversations and meetings.

The Complaint Co-ordinator (see 4.2 below) is responsible for ensuring that a complete record of the complaint is held centrally by the school. Any school staff or governors who are involved in the complaint process are asked to ensure that correspondence and records of conversations and meetings are forwarded to the Complaint Co-ordinator within 2 school days.

All participants in the complaint process should be aware that complainants and others will have rights to see some of the documentation relating to the complaint under Freedom of Information and Data Protection Acts. Documents are likely to contain personal information about other people and some of this information may be protected. It is therefore important that the Complaint Co-ordinator is familiar with data protection legislation or seeks advice before releasing information.

## **4. STAGE 1 OF THE FORMAL COMPLAINTS PROCEDURE**

### **4.1. Making a Formal Complaint**

Where informal attempts have been unsuccessful in resolving a complaint, or if a complainant wishes to instigate the formal procedure, they will be asked to complete a complaint form. (Available at Appendix 1).

The school can offer help to any complainant to complete the form if this is required. The person providing this help will be someone unconnected with the complaint.

The complaint form should be sent to the headteacher unless the complaint is about the headteacher, in which case it should be returned to the Chair of Governors. The return address is printed on the form.

### **4.2. Organising Roles Upon Receipt of the Complaint**

Within 2 school days, the person receiving the complaint (i.e. the headteacher or Chair of Governors) will appoint themselves, a staff member or a governor to perform the roles of:

- a. a Complaint Co-ordinator and
- b. an Investigator

See Appendix 2 for a description of the responsibilities involved in these two positions.

These are two distinct roles for the purposes of the complaints procedure but they can be performed by the same person where convenient. Where a complaint is likely to prove time consuming or a fresh look at the facts is likely to be beneficial, it may be best to split the roles and it may be particularly helpful to appoint a separate Investigator.

In circumstances where the Investigator's role is likely to involve interviewing staff, the Investigator will normally be the staff member's line-manager or the headteacher. Alternatively, if someone else is appointed as Investigator, the headteacher may decide to retain that specific aspect of the investigation themselves.

Where the Investigator's role is likely to involve interviewing children, the Investigator will normally be a member of staff or the headteacher may decide to retain that specific aspect of the investigation themselves. Governors will not normally be involved in interviewing children as part of the complaints process and never without professional support.

### **4.3. Acknowledging the Complaint**

The Complaint Co-ordinator will aim to acknowledge receipt of the formal complaint as soon as possible and in any event within 4 school days of its receipt by the school.

The acknowledgement letter will:

- Acknowledge that the complaint has been received.
- If relevant, tell the complainant that the matter cannot be dealt with under the school's complaints procedure because there are other procedures that should be followed. (*See 3.1.1 above*)
- If relevant, tell the complainant that the complaint is out of time and explain how they can challenge this decision if they have not already done so (*see 3.5 above*).
- Explain briefly the next steps that will be taken.
- Provide the complainant with a reference number for the complaint and ask them to use this in the subject heading of all emails relating to the complaint so the email can be directed to the correct person without being opened.

### **4.4. Clarifying the Complaint and Contacting the Complainant**

Where the complaint is in need of clarification before it can be investigated, the person appointed as the Investigator will need to contact the complainant. This will be done within 7 school days of the complaint reaching the school.

Clarification of the nature of the complaint and of what the complainant feels would put things right is best done in writing where feasible but can be by telephone or through meeting the complainant if required.

Once the complaint has been clarified, a clear record of the complaint should be agreed with the complainant and circulated to the Complaint Co-ordinator who is responsible for keeping other parties informed e.g. the headteacher, Chair of Governors etc.

Some complaints will be clear-cut and require no clarification but the investigator may nevertheless wish to contact the complainant at this stage. This can help reassure the complainant of the investigator's impartiality while establishing a rapport and providing an opportunity to explain the investigation procedure.

### **4.5. Gathering the Facts**

Once the complaint has been clarified, the investigator will gather the facts. This will include:

- Reading any written evidence available. Copies should be taken of documents and computer screen print-outs etc. A list of all written evidence seen should be included in the final report. (*see 4.7 below*)

- Interviewing the complainant and any other people relevant to the complaint, for example those who may have witnessed an incident. (See Appendix 3 for guidance on conducting interviews.)
- If appropriate, visiting the location where any alleged incident occurred if familiarity with the layout would aid understanding.

The Investigator will aim to complete this fact finding exercise within 10 school days.

Any member of staff against whom a complaint is made should be notified that a complaint has been received and that the appropriate procedure will be followed. It is *usually* not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff does need to be able to understand the nature of any allegations against them.

#### **4.6. Making a Decision and Identifying any Remedy**

Having completed the investigation, the investigator will come to a decision based upon their findings. The decision will be: either upheld, partly upheld or not upheld.

Where a complaint is upheld in whole or in part the investigator should consider what should be done to put the matter right. The general principle is that, as far as possible, the complainant should be put in the position he or she would have been in had things not gone wrong. This will have been helped by early contact with the complainant to establish what their expected outcome is.

The investigator's role is to make recommendations about possible remedies. The responsibility for ensuring the recommended action is considered, and implemented where relevant, lies with the headteacher and/or the governing body.

Appropriate remedies include:

- An apology or an expression of regret that the incident occurred. (Note – this is not an admission of liability)
- An explanation
- An admission that the situation could have been handled differently or better (Note – this is not the same as an admission of negligence)
- An assurance that the event which prompted the complaint will not recur
- An explanation of the action taken to ensure that the event complained of will not recur
- An undertaking to review school policies in light of the complaint

#### **4.7. The Investigator's Report**

The investigator will produce a written report in which the findings of the investigation are documented within 7 schools days of completing the fact gathering.

The Investigator will decide on the format of the report. Where expedient, and especially in more complex complaints, it may be useful to write it under headings, such as:

- Complaint, including the complainant's desired outcome
- Process of investigation, including dates and times of interviews, documentation considered, etc.
- Background
- Findings
- Conclusion i.e. the decision regarding whether the complaint is upheld
- Recommendations
- Complainant's right of appeal to the governing body and what they should do next if still dissatisfied.

The report should be factually accurate, clear and concise. It should avoid jargon.

The report will include a decision on whether the complaint is upheld.

The report will be discussed with the Complaint Co-ordinator (where these roles are separate). The Complaint Co-ordinator will advise, where necessary, on data protection issues. As the report may contain sensitive personal information, consideration will be given to the Data Protection Act before it is released and some redactions may be necessary.

#### **4.8. Disseminating the investigator's Report – The Conclusion to Stage 1 of the Formal Complaints Process**

The Complaint Co-ordinator is responsible for sending the report to the complainant. This will be done within 2 school days of its completion.

The complainant will be informed that if they remain dissatisfied with the way their complaint has been handled they can choose to take matters to the second formal complaints stage which will be referral to a panel of governors. They will be given contact details

The school needs to be confident that the complainant has received the report and therefore, if it is sent by email, the complainant will be asked to acknowledge receipt by return. If no acknowledgement is received a copy should be hand delivered or sent via 'signed for' post by the Complaint Co-ordinator.

The Complaint Co-ordinator will determine who else needs to receive a copy of the report or be informed of the outcome of the investigation, bearing in mind the need for confidentiality and the possibility of an appeal to the governing body.

## **5. STAGE 2 OF THE FORMAL COMPLAINTS PROCEDURE**

### **5.1. Triggering Stage 2 of the formal complaints process**

A complainant who remains dissatisfied with the outcome of stage 1 of the complaints process may choose to evoke Stage 2 which is referral of the matter to a panel of governors.

To do this the complainant should write to the contact and address they will have received with the Investigator's Report. This letter should:

- Be received by the school office within 10 calendar days of the complainant receiving the Investigator's report.
- Request that the matter is referred to governors' panel meeting.
- Explain in what way the complainant remains dissatisfied and what action they would like the school to take to address the issue at this stage.

Any request to pursue the complaint after the 10 calendar days has elapsed will not normally be considered but complainants who wish to lodge a late referral should contact the Clerk of Governors to give reasons for the delay. Such requests will be considered by the group of those governors who are already ineligible to sit on the panel by virtue of their prior knowledge of the case.

### **5.2. Receiving the referral for the complaint to be considered by a panel of governors**

The Chair of Governors or their nominee will arrange for the appointment of a 'Panel Clerk' (see Appendix 2 for an outline of the responsibilities of the role). This position will normally be filled by the Clerk to the Governing Body of Governors but the governing body may appoint another person to this role if it so decides. It is not necessary for Panel Clerk to have had no prior involvement in the details of the complaint but clear conflict of interest should be avoided.

The Panel Clerk will be the contact point for the complainant during stage 2 of the formal process.

The Panel Clerk will acknowledge receipt of the referral with 3 school days. See Appendix 4 for a model letter.

### **5.3. Arranging the panel meeting**

The Panel Clerk will aim to convene a governors' panel meeting as soon as possible, normally within 20 school days of receipt of the referral.

The Panel Clerk will need to liaise with the complainant, the school representative, panel members plus any witnesses to make arrangements (see detailed information below 5.3.1 – 5.3.9) and will aim to write to all parties giving details of the date, time and venue within 7 school

days of receipt of the referral. If more time is needed to make arrangements the Panel Clerk will write to the complainant explaining the reason.

A model letter covering the content which the Panel Clerk should include in the letter to the complainant and school representative is available at Appendix 5.

The Panel Clerk should keep the Complaint Co-ordinator informed at all stages of the process.

#### *5.3.1. The school representative at the panel meeting*

The school will normally be represented at the panel meeting by the headteacher but the head may choose to nominate another person as the school representative in their stead.

The school representative is entitled to be accompanied at the panel meeting. Members of staff are advised that they are entitled to be accompanied by a friend, colleague or professional association /union representative.

Where the complaint relates to the governing body's area of responsibility – for example a complaint about a school policy – the Chair of Governors may be the most appropriate school representative.

The school representative will be expected to prepare written evidence for the panel meeting (see 5.3.5 below)

#### *5.3.2. Selection of Panel members*

The panel will normally consist of three governors from the group who were elected to be potential panel members. (The elections normally take place at the first governing body of the school year). The responsibilities of panel members are outlined in Appendix 2.

The Panel Clerk should select the three panel members. The decision about the membership of a particular panel will depend on factors such as availability and whether any governors have prior knowledge of the complaint.

Where there are insufficient governors with no prior knowledge of the complaint, the governing body may co-opt associate members onto the governing body specifically for this role or the school will request help from a neighbouring school's governing body. This process will be coordinated by the Panel Clerk and Chair of Governors.

Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Such requests will be considered by the group of those governors who are already ineligible to sit on the panel by virtue of their prior knowledge of the case.

If the headteacher or Chair of Governors decides that an advisor (e.g. from the Local Authority) may be needed at the panel meeting, they will inform the Panel Clerk who should attempt to arrange this.

#### 5.3.3. The date and time of the panel meeting

The Panel Clerk should set the date, time and venue for the panel meeting, ensuring that the dates are convenient to all parties. Every reasonable effort should be made to find a date and time that is mutually convenient but if this proves unworkable the school reserves the right to set the date and time of the panel meeting without agreement.

Where two attempts have been made to schedule a convenient hearing and it has not been possible to accommodate the complainant, the Panel Clerk, in consultation with the Chair of Governors, may decide to conduct the panel hearing in the absence of the complainant. This is to ensure that the complaints process avoids unnecessary delays.

If a decision is taken to proceed in the complainant's absence the Panel Clerk will write to the complainant explaining why this decision has been taken. Notice will be given of the date and time of the panel meeting in the hope that the complainant will attend. If they do not, the panel meeting will proceed in their absence with the complainant's case resting on the written evidence available.

#### 5.3.4. The venue for the panel meeting

The school will decide on the venue for the panel hearing. This will normally be at the school itself but, if the complainant informs the clerk of good reasons not to meet at the school and can propose another suitable and similarly cost effective venue, the Panel Clerk, in conjunction with the headteacher and/or Chair of Governors will consider this.

Suitable venues would need three separate rooms (one for the panel meeting itself and a waiting room for each of the parties) plus access to toilet and, ideally, refreshment facilities.

#### 5.3.5. Submitting written evidence before the panel meeting

The Panel Clerk will ensure that panel members receive copies of the complainant's original complaint form, the investigator's report and the letter which the complainant sent when requesting the panel meeting.

The complainant and the school representative are both responsible for ensuring that they themselves submit any further written evidence which they will wish the panel members to consider.

This evidence needs to be received by the Panel Clerk at least 7 school days before the panel meeting. Any evidence that is received late may be ruled out of time by the panel members and will not necessarily be considered by them.

The evidence which the complainant and the school representative should each provide will include:

- A signed statement explaining their case
- Any other written evidence they wish to present to panel members. This includes, where relevant, providing signed statements from their supporting witnesses.

The evidence should ideally be sent by email, preferably as PDF documents which will preserve formatting when transferred electronically. Where paper documentation is provided it is advisable that these are copies, not the originals.

Where documents are provided as hard copies, particularly where large or voluminous items are submitted, the Panel Clerk will use their discretion and may choose to make the item itself available to panel members rather than incur substantial copying costs.

#### 5.3.6. Witnesses attendance at the panel meeting

The aim should be to avoid the need for witnesses to attend a panel meeting where possible. In most instances witnesses should produce a signed statement and will only be required to attend the panel meeting if the complainant or school representative can show good reason for challenging their testimony –i.e. that their testimony is critical to the case and it can be contradicted.

If supporting witnesses are required for either the complainant or the school representative, the Panel Clerk should be informed of their names and contact details at the earliest opportunity and certainly within 7 school days of the panel meeting.

Neither the complainant nor the school representative can compel a witness, including a staff member, to attend. The panel members can decide if it is reasonable to draw any inference in relation to the facts as a result of non-attendance.

Great Tew School pupils will not attend panel meetings save in exceptional circumstances sanctioned by the headteacher or senior member of staff. If witness statements are required from pupils these will be arranged by school staff or the child's parents.

#### 5.3.7. Drawing up the agenda for the panel meeting

The Panel Clerk and Panel Chair will draw up the agenda for the panel meeting. This will be based on the model agenda available at Appendix 7, adapted for the circumstances.

#### 5.3.8. Circulating written evidence before the panel meeting

No less than 5 school days before the panel meeting, the Panel Clerk will provide panel members, the complainant, the school representative and Complaint Co-ordinator with a copy of:

- A list of all the individual documents being supplied

- The complainant's original complaint form
- The Investigator's report
- The letter which the complainant sent when requesting the panel meeting.
- The panel meeting agenda
- The submissions provided by the school representative and the complainant
- Any witness statements

Where possible these copies will be provided by email.

Parties will be asked to bring the documentation to the panel meeting either in hard copy or on their own device. Parties should not rely on the availability at the meeting of Wifi or a power supply to access devices.

If either the school representative or the complainant has not provided the written evidence requested, the Panel Clerk should make this clear to all parties.

#### 5.3.9. Preparation by panel members before the panel meeting

Prior to the panel meeting the panel members will:

- Elect one of their number as Chair. The responsibilities of the Panel Chair are outlined in Appendix 2.
- Familiarise themselves with the complaints procedure – in particular in relation to their powers (see 3.2 above).
- Read the written evidence which the Panel Clerk provides to them. (see 5.3.5 and 5.3.8 above). Note: If documentation is submitted after the deadlines set in the procedure, the Panel Clerk will inform the panel members who will make a decision about whether to allow consideration of the late evidence.
- Preserve their independence by ensuring they do not discuss the matter other than among themselves. They should not discuss the details of the complaint with school personnel, the complainant, witnesses etc. prior to the panel meeting.

### **5.4. Conducting the panel meeting**

#### 5.4.1. Before the meeting

The Panel Clerk will:

- Ensure the seating in the panel meeting room is arranged appropriately. (A triangular shape which allows for differentiation of the parties without being too 'court-like' may be ideal.)
- Greet the complainant on arrival at the school and show them to the waiting area.
- Accompany the parties to the meeting room. Both the complainant and school representative should enter the meeting at the same time. (The Clerk should be particularly aware of ensuring that the panel members are not speaking to the school representatives before the complainant arrives. Even if talking about unrelated matters it may give the impression that panel members are being influenced.)

#### 5.4.2. Introduction

The Panel Clerk will minute the meeting and will advise the Chair on procedure throughout the meeting.

The Panel Chair will:

- Ask the people in the room to introduce themselves and will explain how the meeting will be run.
- Remind the parties that panel members have no prior knowledge of or involvement with the complaint, save for the pre-reading which has been provided to everyone present.
- Explain how the meeting will be conducted – using the formal agenda (see 5.3.7)
- Explain the powers open to the panel with respect to the specific complaint. (See 3.2 review or reconsideration)
- Remind all parties that questions normally go through the Chair. (Note: the Chair may allow flexibility if this seems appropriate.)
- Consider setting a realistic finish time for the part of the meeting that involves the attendance of the school representative and complainant, with timings for submission.

#### 5.4.3. The complainant makes their case

The complainant is invited to explain their complaint, and, if applicable, is followed by their witnesses. (Witnesses are only required to attend for the part of the hearing in which they give their evidence.)

The school representative may question both the complainant and the witnesses after each has spoken.

Panel members or any advisor present may ask questions at any point.

#### 5.4.4. The school representative makes their case

The school representative is invited to explain the school's actions, and, if applicable, is followed by their witnesses. (Witnesses are only required to attend for the part of the hearing in which they give their evidence.)

The complainant may question both the school representative and the witnesses after each has spoken.

Panel members or any advisor present may ask questions at any point.

#### 5.4.5. Summing up

The complainant is then invited to sum up their complaint.

The school representative is then invited to sum up the school's actions and response to the complaint.

The chair explains that both parties will hear from the panel within five school days.

Both parties leave together while the panel decides on the issues.

#### *5.4.6. Decision making*

The Panel Clerk and any advisor will remain for this part of the meeting in order to offer clarification if required. The governors' deliberations will not be minuted.

The panel members will reach a decision as to whether or not to uphold the complaint in part or in full and what action the school needs to take to resolve the matter, if any.

In very rare cases governors may need to take further advice and will need to adjourn the matter. In these circumstances the Panel Clerk will notify the parties of the delay and the panel will reach a decision as soon as possible.

#### *5.5. The written decision - – The Conclusion of the Formal Complaints Process*

The panel members, in conjunction with the Panel Clerk, will produce a written response. This will detail:

- Whether the complaint is upheld, partly upheld or not upheld.
- A brief summary of the basis on which the governors arrived at this conclusion
- Any lessons learnt and what action is to be taken as a result of the complaint. Some possible remedies are listed at 4.6 above

A template for the panel decision letter is available at Appendix 8 to be used if helpful in the circumstances.

Panel Members will need to ensure that the written decision does not contain personal information that contravenes the Data Protection Act.

The written decision will explain that this is the last stage in the school's complaint procedure and that complainants who remain dissatisfied have the right of appeal to the Secretary of State for Education. The School Complaints Unit address will be given. See Appendix 8.

The Panel Clerk will communicate the panel's decision to the complainant as soon as possible and, in any event, within 5 school days. The school needs to be confident that the complainant has received the decision and therefore, if it is sent by email, the complainant will be asked to acknowledge receipt by return. If no acknowledgement is received a copy should be hand delivered or sent via 'signed for' post by the Panel Clerk.

The Panel Clerk will also inform the school representative, headteacher and Chair of Governors and Complaint Co-ordinator of the decision.

## **6. AFTER A PANEL HEARING**

The Chair of Governors and the Panel Chair will both be responsible for following up, as appropriate, on any actions recommended by the panel meeting and on ensuring the wider governing body are appropriately informed about the complaint.

The Complaint Co-ordinator should ensure that there the school holds a full record – ideally both electronic and hard copy – of all aspects of the complaint.

## **7. POLICY REVIEW**

The policy will be reviewed by the Finance, Personnel, Buildings, Health & Safety Committee or the Full Governing Body every two years.

# Appendix 1: The Formal Complaint Form

Please let us know if you need help to complete this form or have any special needs that we should be aware of during the complaints process

Your name:

Address :

Postcode:

Email address:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

Your relationship to the school e.g. parent, neighbour, member of the public:

Communicating via email is likely to be the most efficient means of dealing with your complaint but there can be privacy issues around email addresses. Please indicate whether you are happy for the school to use your email address in relation to this complaint.

Yes	
No	

## Great Tew School Formal Complaint Form cont.

Please give concise details of your complaint including dates, names of witnesses etc. to allow the matter to be fully investigated.

What action, if any, have you already taken to try and resolve your complaint?

(Who did you speak to and what was the response?)

## Great Tew School Formal Complaint Form cont.

What would you like the school to do to make improvements or put things right?

Are you attaching any paperwork? If so, please give details.

Please tick to acknowledge that you are aware that information provided in relation to this complaint may need to be shared with others as part of the proper investigation into this complaint.

Signature:

Date:

.....

.....

Please return the completed form to the school office, ideally as an email attachment.

The subject of the email should state: "COMPLAINT: FAO headteacher" or "COMPLAINT: FAO Chair of Governors" [as applicable]

The office email address is: [office.2104@great-tew.oxon.sch.uk](mailto:office.2104@great-tew.oxon.sch.uk)

Alternatively, the form can be posted to the school office during term time. The address is: Great Tew Primary School, Chipping Norton, Oxfordshire, OX7 4DB. Please mark the envelope, "CONFIDENTIAL" and address it to the headteacher or Chair or Governors as appropriate.

## Appendix 2: Roles and Responsibilities

*Adapted from the Department for Education's 'Best Practice Advice for School Complaints Procedures 2016' p 16-19*

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **The Complaints Co-ordinator**

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 and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right. The complaint co-ordinator should be kept informed of all stages of the investigation.

- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- 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.

### **The Panel Clerk**

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

- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018, GDPR and Freedom of Information Act 2000;
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

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

- the meeting is minuted – usually by the Panel Clerk;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;

- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance, 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 hearing;
- liaise with the Panel Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;  
No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;  
However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting;  
Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- *Note: Great Tew pupils will not normally attend panel meetings but there may be circumstances where young people under the age of 18 do take part in proceedings.*  
Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;  
Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.  
If the child/young person is the complainant, the panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

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

## Appendix 3: Tips for complaints process interviews

Interviewing the complainant and any other people relevant to the complaint, for example those who may have witnessed an incident. Note:

- Any interviewee is entitled to be accompanied by someone unconnected with the complaint, e.g. a union representative or friend.
- Ideally a minute taker should be present.
- A formal record should be kept of all interviews. The record should be agreed by the investigator and interviewee and signed and dated by both as a true record of the interview. This will normally be done within 48 hours of the interview. If there is no agreement on particular matters the disagreement should be recorded.
- Where it is necessary to interview a member of staff, the interview will normally be conducted by the staff member's line manager or the headteacher. The headteacher (or line-manager) will report back to the Investigator and, in all but the simplest of cases, the staff member will be asked to sign a record of the interview and/or provide a statement on the matter.
- Pupils will be interviewed as potential witnesses under this procedure only in extreme circumstances and only by the headteacher or a member of staff. The interest of the child is paramount.

## Appendix 4:

### MODEL LETTER ACKNOWLEDGING REQUEST FOR PANEL MEETING

*(Adapted from Hampshire Governor Services Good Practice Note 2014)*

Dear *Complainant*

**Re: [complaint]**

I am writing to acknowledge receipt of your letter dated . . . . . requesting that a governors' complaints panel hears your complaint that . . . . . \* I have been appointed to clerk this panel meeting.

I will now draw together a panel of three governors who have not been involved in your complaint and then consult with you about a mutually convenient time and date for the meeting. We would anticipate holding the hearing within the next ..... days and so I would appreciate it if you could let me know, as a matter of urgency, whether there are any days or dates on which you would definitely not be able to attend. It is expected the panel meeting will last between ..... and ..... hours.

I will also be asking you and [name and/or position] who will represent the school at the panel meeting for any written submissions which will need to be distributed in advance of the meeting. You may wish to start putting this together now. Once I have all the paperwork, copies will be sent out simultaneously to all parties and the Panel prior to the meeting, together with a copy of the agenda. You will also have the opportunity to make verbal submissions at the meeting itself.

When there is an agreed date I will confirm this date and the venue and let you know the deadline for the submission of any paperwork.

Yours sincerely

Clerk to the Governors' complaints panel

cc      Headteacher, Chair of Governors, others?

*\* Sometimes complainants have not made it clear why they are taking their complaint to the complaints panel. You may need to clarify this at this stage by asking that they send you a short note explaining the reasons for taking the matter further (some schools may use a form for this purpose). This will help clarify the purpose of the hearing which might simply be that they don't agree with the headteacher/chair of governor's decision or the way they felt the complaint was handled. This will also highlight the situation where the complaint has changed and therefore would not be appropriate to be discussed at a panel meeting as the headteacher or chair of governors may not have already considered it. You might at this stage include in your letter something like "Please could you let me have a brief note explaining your reasons for pursuing your complaint to this stage so that I can share this with the panel, headteacher and chair of governors."*

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## Appendix 5:

### MODEL LETTER INFORMING COMPLAINANT OF THE PANEL MEETING

*(Adapted from Hampshire Governor Services Good Practice Note 2014)*

Dear *Complainant* [Note to panel clerk: A similar letter will need to be sent to the school representative]

**Re: [complaint]**

I am writing to confirm that the governors' complaints panel meeting will be held at *time*, on *day*, *date* at *venue*. The panel will be considering the complaint as set out in your complaint form dated . . .

If you wish to submit any paperwork for the governors' consideration please would you let me have this by . . . . . This will allow me time to redistribute all parties' paperwork to both parties and the panel members at least five days before the meeting. Any paperwork which you provide after this time may be ruled 'out of time' by the panel members and not considered by them.

Your documents should ideally contain a signed statement explaining your case, together with any other written evidence you wish to present to panel members. If you haven't supplied it already, you should include your reasons for pursuing your complaint to this stage and the outcomes you are seeking to resolve your complaint.

Where possible, please could you provide the paperwork via email, preferably as a PDF document as this will preserve formatting when transferred electronically? Where paper documentation is provided it is advisable that you provide copies, not originals.

You are welcome to bring a friend or representative to support you. Please could you let me know if you wish to do this, and who will be attending the meeting?

I have also written to the [name and/or position] who will represent the school at the panel meeting requesting their paperwork.

In addition to any documents which you or [name of the school's representative] provide, I will also forward to the panel members your original complaint form, your letter of .... where you requested the panel meeting and the report into your complaint which concluded stage 1 of the school's complaints process.

Yours sincerely

Clerk to the Governors' complaints panel

cc Panel Members

## Appendix 6:

September 2020

## MODEL LETTER CONFIRMING ARRANGEMENTS FOR THE PANEL MEETING

*(Adapted from Hampshire Governor Services Good Practice Note 2014)*

Dear Complainant

### **Day/Date/time/venue of governors' complaints panel hearing**

I am writing to confirm the time of the governors' complaints panel hearing. It would be helpful if you could arrive 10 minutes before the start. Please make your way to the office/[elsewhere] where you will be greeted.

Please find enclosed/attached the paperwork which will be considered at this meeting. The panel, yourself and [name and/or position] the school's representative have received the same paperwork. It will be helpful to bring copies of these to the meeting either printed or on a laptop/tablet device. Please note that we cannot guarantee internet connectivity or a power supply.

The panel members are . . . . .(who will chair the meeting), . . . . ., and . . . . .

Whilst the panel wishes to create a relaxed atmosphere, the chair will ensure that the attached formal agenda will be adhered to so that both parties will have an equal opportunity to ask questions and present their own views. (see Appendix 7)

At the end of the meeting all parties will leave the meeting room and the panel will stay to discuss the submissions and come to a conclusion. You will receive a letter explaining the outcome of the meeting within 5 school days.

This letter has also been sent to the [name and/or position] who will be the school's representative at the meeting.

If you have any queries before the meeting please do not hesitate to contact me via the school.

Yours sincerely

Clerk to the Complaints Panel

Encs (Note to clerk: list)

cc Panel members

## Appendix 7: MODEL AGENDA

### Governors' Complaints Panel Hearing

#### A G E N D A

on day/date/time

at .....

1. Introductions and explanation of the procedures and the panel's role
2. The complainant's position
  - The complainant explains their complaint
  - Questions from the school representative
  - The complainant's witnesses give their evidence *[note to clerk: remove if there are no witnesses]*
  - Questions from the school representative to each witness *[note to clerk: remove if there are no witnesses]*
  - The panel members may ask questions at any stage
3. The school's position
  - The school representative explains their position
  - Questions from the complainant
  - Where applicable, the school's witnesses give their evidence *[note to clerk: remove if there are no witnesses]*
  - Questions from the complainant to each witness *[note to clerk: remove if there are no witnesses]*
  - The panel members may ask questions at any stage
4. Summing up
  - by complainant (without introducing new information)
  - Summing up by the school's representative (without introducing new information)
5. Closure of the meeting by the chair of the panel.

The complainant and school representative plus any supporters leave. Panel members stay to discuss their views and conclusions. The Panel Clerk remains to assist the panel.

## Appendix 8: TEMPLATE FOR PANEL DECISION LETTER

*(Adapted from Hampshire Governor Services Good Practice Note 2014)*

*This wording is only to be used as a guide, please use as a reference and delete where appropriate.*

Complaints ref. no: .....

Dear *Complainant*

### Complaints Panel Meeting Decision

Thank you for attending the complaints panel meeting to discuss your complaint on .....

We summarise your complaint as follows:

- .....
- .....

We considered the written and verbal submissions and summarise the main points as:

- .....
- .....

The panel has considered the representations and decided .....

*\*For Example: For a Review include:*

- That the headteacher's decision, in the light of the information available at the time, was reasonable and that the headteacher correctly adhered to the procedures when making the decision. [or]
- That the panel felt that the headteacher did not consider, for example, the information available at the time, that is: . . . , and, in the circumstances, we will now recommend that he/she reconsiders the decision/action.

*\*If appropriate:*

As you introduced relevant information that was not available to the headteacher at the time of his/her's decision or action, we have referred this matter back to the headteacher for further consideration.

*\*For Example: For a Reconsideration*

To uphold / To not uphold your complaint because:

- .....

*In either case, include: the reasons for the panel coming to the decision, what evidence the decision was based on, any other factors taken into account and any recommendations .....*

This was the final stage in our school's internal complaints procedure and we hope you agree that these matters have been handled satisfactorily.

If you feel that the school has acted unreasonably or not followed the correct procedures in relation to your complaint, you can appeal to the Secretary of State for Education who will intervene where a school has acted unlawfully or unreasonably and where it is expedient and practical to do so. The address of the School Complaints Unit is:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Yours sincerely,

Chair of the Governors' Complaints Panel