

Complaints Procedure Sutton Manor Primary School

Title of Policy/Procedure Complaints procedure

Author: Local Authority

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Date to be reviewed January 2024

Signed Chair of Governors _____ date _____

Children and Young People's Services
Department

**MODEL PROCEDURE
FOR
DEALING WITH
GENERAL COMPLAINTS
IN
SCHOOLS**



St. Helens Council

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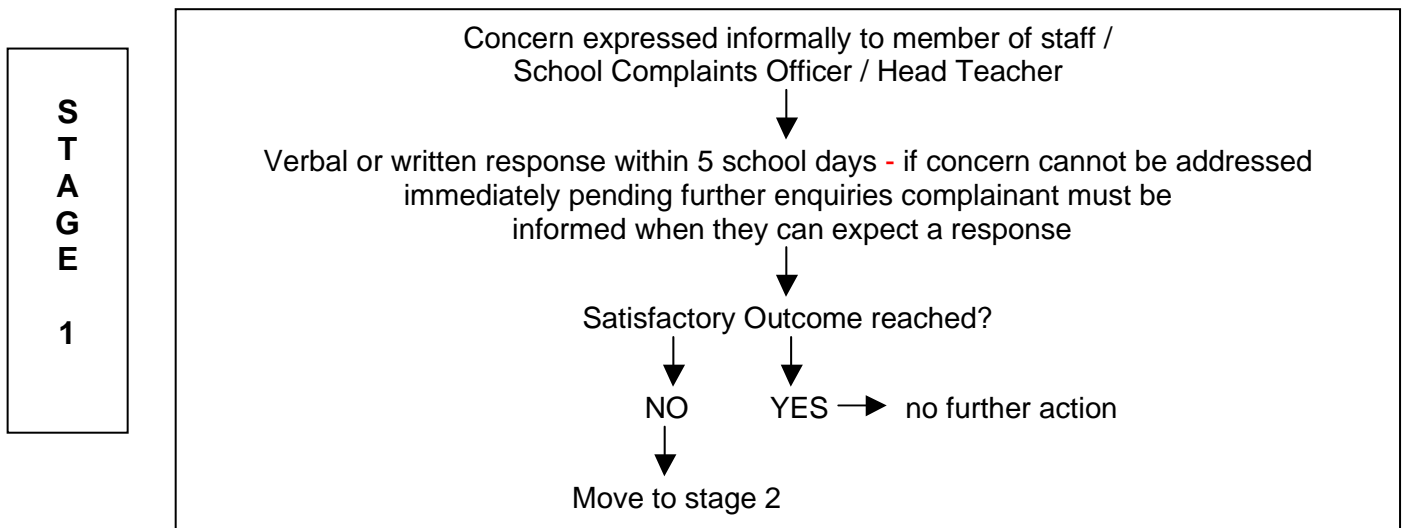
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KEY PRINCIPLES AND FLOWCHART

KEY PRINCIPLES

- Complainants need to think about the nature of the complaint. Gather the facts and be clear about:
What it is you are complaining about;
When and where the incident happened;
Who else was involved;
Whether anyone saw it happen;
Who you have spoken to already and;
What outcome you want as a result of the complaint.
- The school will respond positively to concerns. General complaints must be made within a time limit of 12 months. Each complaint will be dealt with promptly and fairly.
- The General Complaints Procedure covers all general complaints with the exception of those listed below. It also covers community facilities or services provided by the school.
- The General Complaints Procedure will not deal with parental complaints or appeals relating to the delivery of the school curriculum / sex education / pupil admissions or exclusions / provision for pupils with special educational needs / staff capability, grievance or disciplinary matters / collective worship / racial harassment / allegations of financial impropriety or child abuse. These must follow different procedures.
- Complainants will be expected to substantiate their reasons for making a general complaint against the school and provide supporting evidence as required.
- Individual staff and pupils will be entitled to have their point of view heard if they are being complained against, and their legal rights will be respected at all times.
- The outcome of an investigation into a general complaint will be conveyed to the complainant in writing, indicating the reasons for the decision and what further action (if any) will be taken by the school e.g. a change of policy or procedures.
- An apology will be sought from the complainant if it is established that the complaint was wholly unwarranted, unjustified or malicious.

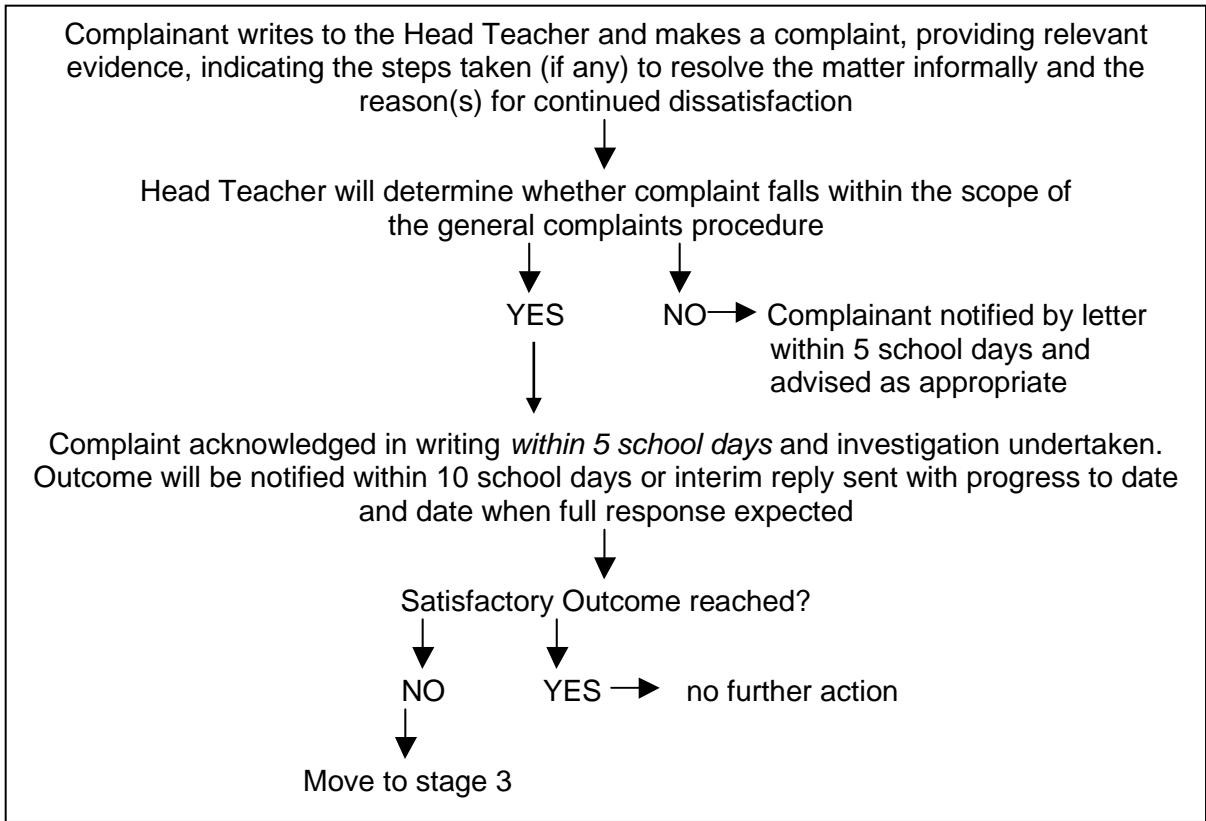
FLOWCHART



Local Authority Model Complaints Procedure for Schools

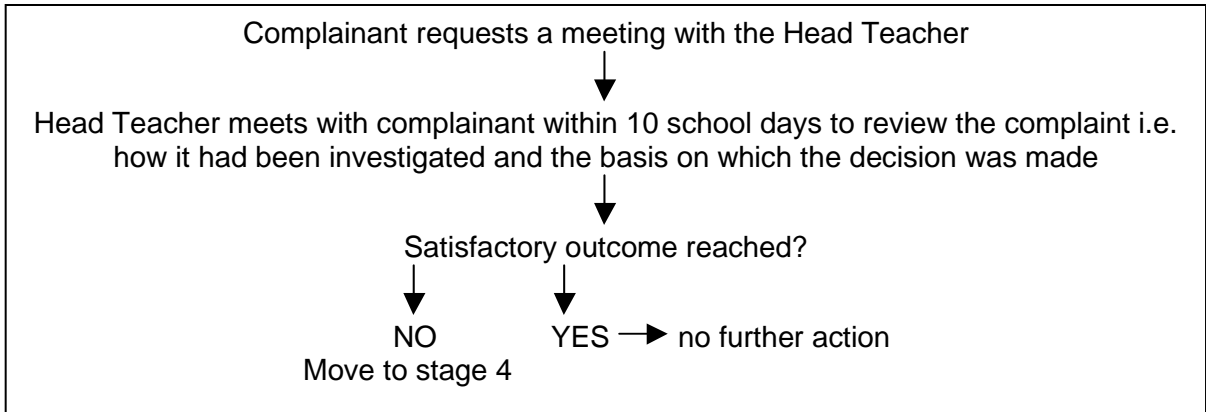
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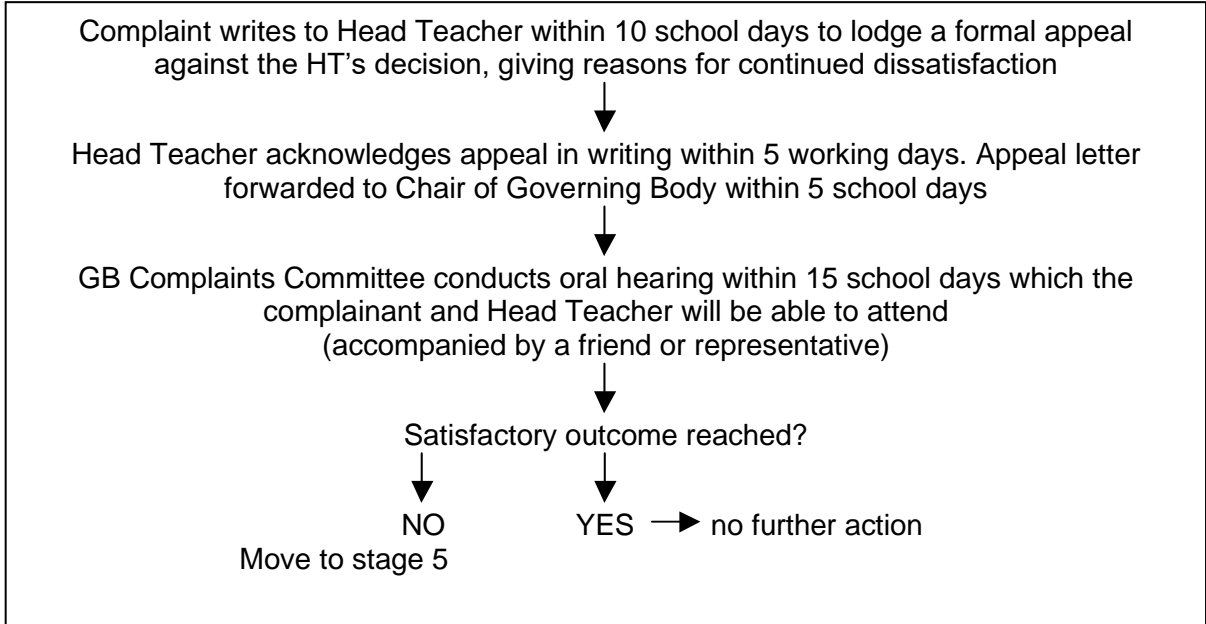
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FURTHER APPEAL

Local Authority

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Complainant can refer matter to the Local Authority in writing within 10 days of receiving a letter from the school confirming the decision of the GB Complaints Committee. The complainant must specify reasons for their dissatisfaction with the process undertaken by the school and provide relevant evidence

↓
The Local Authority's Complaints Officer will acknowledge receipt of the appeal letter in writing within 5 working days, and notify the Head Teacher and Chair of Governing Body

↓
Complaint process will be reviewed by the Local Authority

↓
Local Authority will provide written response to the complainant within 10 days, or send an interim reply instead indicating when a full response will be sent.

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Copies of relevant correspondence will be sent to the Chair of the Governing Body and the Head Teacher

↓
Governing Body will consider the contents of the Local Authority's response and determine what action (if any) should be taken by the school.

MODEL PROCEDURE

INTRODUCTION

- a This procedure has been adopted by the school to ensure that:
- Complaints are dealt with in a consistent manner which is straightforward and fair to all concerned;
 - The school responds to complaints within a reasonable timescale;
 - The complainant feels that their complaint is being treated seriously even if the school's response may not be to their complete satisfaction;
 - The rights of the complainant and any person who may be complained against are recognised and respected
- b The procedure is publicised in accordance with the DfES guidance see Appendix 10
- c Whilst the majority of concerns and complaints can be resolved without recourse to formal procedures, the school's response will depend upon the nature of the complaint, and the outcome being sought by the complainant. This could be:
- An apology or an expression of regret
 - An explanation of why things went wrong
 - An admission that the situation could have been handled differently or better (this is not the same as an admission of negligence)
 - A review of school policy or procedures to prevent future difficulties of a similar kind either for the complainant or others
- d An apology will be sought from the complainant if an investigation concludes that the complaint made against the school or the actions of individual staff or pupils is unwarranted, unjustified or malicious.
- e Once the procedure has been exhausted complainants may try to reopen the same issue. The Chair of the Governing Body will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

DEFINITIONS

- a Types of Complaint which are covered by this procedure;
- General complaints can cover a whole range of issues. A general complaint must be a clear statement of dissatisfaction about one or more of the following:
- Any aspect of school policy or working practices
 - Complaints in relation to extended school provision, community facilities or services that the school provides
 - The way in which an initial concern was handled by the school
 - The general conduct or actions of members of staff
 - The general conduct or actions of pupils

Advice can be sought from the Local Authority (the Archdiocese / Diocese) if appropriate in order to determine whether or not a complaint falls within the scope of this procedure.

b Complaints which are not covered by this procedure

The school's General Complaints Procedure will not apply to complaints or appeals in relation to the following:

- The delivery of the curriculum
- Provision of collective worship and religious education
- Sex education
- School admissions
- Pupil exclusions
- Provision for pupils with special educational needs
- Racial harassment
- Allegations of child abuse
- Allegations of financial impropriety
- Staff grievance
- Staff capability
- Staff disciplinary

c Role of the school's Complaints Officer

The Head Teacher is responsible for the internal organisation and management of the school. S/he will act as the school's Complaints Officer and take overall responsibility for considering complaints in the first instance but may delegate this role to a member of the school's senior management team following consultation with the Chair or the Governing Body.

The school's Complaints Officer will keep a record of all formal complaints submitted in writing and made under the school's General Complaints Procedure.

The record will indicate:

- The date on which the complaint was received
- A brief description of the complaint
- Progress of the complaint
- The time taken to resolve the matter
- The outcome of the complaint

Brief notes of meetings and telephone calls can be kept, and a copy of any written response added to the record.

The school's Complaints Officer will make termly reports to the Governing Body in order to monitor the handling and outcome of formal complaints. This report will refer to:

- The number of formal complaints received during the term and whether or not they were handled within the set time limits
- The nature of the complaints
- The effectiveness of the school's overall complaints policy
- Use the monitoring information as a tool in evaluating the school's performance.
- Use information to inform Governors of problems facing school staff

In order not to prejudice any future appeal the report should not name individuals and details should not be discussed.

d General

Governing Bodies of all maintained schools are required to have and publicise a School Complaints Procedure.

Section 29 of the Education Act 2002 requires that:

The governing body of a maintained school (including a maintained nursery school) shall-

- a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
- b) publicise the procedures so established (in line with the DfES Guidance Document June 2003 No 24)

The time scales for dealing with complaints have been clearly set out within each stage of the school's procedure. 'School days' are those when the pupils are attending; school holidays and staff training days are not counted.

The Head Teacher and / or the Governing Body will consult the Local Education Authority (or the Archdiocese / Diocese where appropriate) in order to clarify which procedure should be followed in response to a specific complaint. Further advice or guidance may be sought by the school at any stage of the General Complaints Procedure.

A complainant will be informed by the school's Complaints Officer, within 5 school days, if from the outset or at any subsequent stage, the specific complaint falls outside the scope of the General Complaints Procedure.

A Complainant can withdraw his or her complaint at any stage.

The Governing Body will review the school's General Complaints procedure in consultation with the Head Teacher on an annual basis.

STAGES OF THE COMPLAINTS PROCEDURE

STAGE 1 – MAKING AN INFORMAL COMPLAINT

Dealing with immediate concerns

- a. Most concerns can be resolved informally without recourse to formal procedures that could involve the Head Teacher or the Governing Body of the school.
- b. Immediate concerns are usually resolved straight away by contacting an appropriate member of staff e.g., the class teacher, a form tutor or the school secretary. If a concern cannot be resolved in this way, the complainant should contact the Head Teacher by telephone or make an appointment to meet with him / her in an attempt to resolve the matter informally.
- c. The concern may be referred on to another member of staff e.g. (Head of Key Stage, Pastoral Head, Head of Year, Deputy Head Teacher) if this is considered to be more appropriate in the light of the specific nature of the issue being raised.
- d. The Head Teacher, school Complaints Officer or the senior member of staff concerned, will try to resolve the matter straight away indicating what further action (if any) the school proposes to take. If s/he cannot respond immediately because further enquiries need to be made, a verbal or written response will be made to the complainant within 5 school days. The complainant must be informed when to expect a response if it will take longer than 5 school days.

The complainant will be requested to indicate if s/he is satisfied with the school's response and advised of their right to refer the complaint on to Stage 2 of the General Complaints Procedure (the Formal Stage), if they remain dissatisfied and wish to take the matter further.

Informal Complaints relating specifically to staff

- a. A complainant should make an appointment to meet with the Head Teacher if s/he wishes to make an informal complaint relating to the general conduct or actions of a member of staff employed at the school. If the matter cannot be dealt with immediately, the Head Teacher will make further enquiries with a view to resolving the matter informally within 5 school days or designate a senior member of staff to make enquiries on his / her behalf. The complainant will be advised at the outset if their complaint falls outside the scope of the general complaints procedure.

The school's general complaints procedure is distinct from the school's disciplinary procedures. There may be occasions, albeit rare and exceptional, when a complaint concerning the conduct of staff at the school will be handled through disciplinary procedures instead. The complainant and the relevant staff will be advised accordingly.

- b. The member(s) of staff concerned will be informed immediately that a concern has been raised and advised that the matter is being investigated informally by the Head Teacher (or a member of the school's senior management team). The member(s) of staff concerned may wish to seek advice before responding to enquiries made at this informal stage.
- c. The Head Teacher will respond to the complainant in person or in writing and inform the member(s) of staff accordingly. In either case, the complainant will be requested to indicate if s/he is satisfied with the school's response and advised by the Head Teacher

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of their right to refer the complaint on to Stage 2 of the school's Complaints Procedure (the Formal Stage) if they remain dissatisfied and wish to take the matter further.

- d. The Head Teacher will inform the member(s) of staff concerned if the complainant indicates that s/he is dissatisfied with the outcome of the informal investigation and intends to make a formal written complaint.

STAGE 2 - MAKING A FORMAL COMPLAINT

General

- a. Formal complaints must be sent in writing to the Head Teacher who will determine whether or not the complaint falls within the scope of the school's general complaints procedure; taking advice as necessary from the Local Authority. Formal complaints received in the form of a solicitor's letter will be investigated by the Head Teacher and the Chair. The services of the Authority solicitor will be sought. (*in accordance with Annex 1 of the Complaints Procedure*)
- b. Formal complaints concerning the conduct of the Head Teacher must be sent in writing to the Chair of the Governing Body for investigation and response (*in accordance with Annex 2 of the Complaints Procedure*)
- c. Formal complaints concerning the conduct of the Chair of the Governing Body will be referred directly to the Governing Body via the Clerk for investigation and response (*in accordance with Annex 3 of the Complaints Procedure*)
- d. Formal complaints concerning the conduct of a Governor will be referred directly to the Chair of the Governing Body via the Clerk (*in accordance with Annex 4 of the Complaints Procedure*)
- e. Formal complaints concerning the conduct of the Complaints Officer (if the Head Teacher is not the Complaints Officer) will be investigated by the Head Teacher (*in accordance with Annex 5 of the Complaints Procedure*)
- f. Formal complaints from any Governors of the school will be discussed at a full meeting of the Governing Body (*in accordance with Annex 6 of the Complaints Procedure*)
- g. Formal complaints from pupils will be dealt with (*in accordance with Annex 7 of the Complaints Procedure.*)

The handling of serious or urgent complaints

- a. Where a formal written complaint falls within the scope of the general complaints procedure and is considered by the Head Teacher to be of a serious or urgent nature, s/he will either;
 - i. act as the Complaints Officer and conduct an investigation; or, having taken advice from the Local Authority (*the Archdiocese / Diocese*),
 - ii. refer the matter directly to the Chair of the Governing Body who will delegate the investigation of the matter to a committee of the Governing Body i.e. the Complaints Committee.
- b. The complainant will be informed accordingly in writing by the Head Teacher within 5 school days following receipt of the formal written complaint.

Formal Investigation of a general complaint

- a. The letter of complaint must specify the complaint, the steps taken by the complainant (if any) to resolve the matter informally and the reasons for continued dissatisfaction. The letter should be accompanied by any supporting evidence where appropriate or relevant, and indicate what sort of outcome is being sought by the complainant.

- b. The Complaints Officer will acknowledge receipt of the letter in writing within 5 school days and endeavour to send a full response (i.e. the decision letter) to the complainant within 10 school days. Where it is not possible for the Complaints Officer to investigate and respond in full within this time scale (e.g. due to the nature of the complaint, school holidays or the need to obtain additional information), a letter will be sent to the complainant indicating when s/he can expect to receive a full response.
- c. The Complaints Officer will investigate the complaint and reach a decision as to what action, if any, should be taken in response to it. The Complaints Officer may need to contact or meet with the complainant in order to clarify specific issues or obtain additional information which will assist the investigation. The complainant will be entitled to be accompanied by a friend or representative should s/he be requested to meet with the Complaints Officer for this purpose.
- d. The Complaints Officer may also need to interview witnesses as part of a formal investigation and take statements from those involved which may include pupils. Should it become necessary in exceptional circumstances for a pupil to attend any meeting that is convened as part of a formal investigation into the complaint, the parents will be consulted beforehand. There would also need to be an undertaking from all parties that confidential matters relating to named members of staff would not be disclosed.
- e. Once the formal investigation has been completed and all the relevant facts established, the Complaints Officer will send a written response to the complainant (i.e. the decision letter). This will convey the decision made by the Complaints Officer and set out the reasons for it indicating, where appropriate, what further action (if any) the school proposes to take in response to the complaint, and by when.

An apology will be sought from the complainant if it is established that their complaint against the school was unwarranted, unjustified or malicious.

- f. The decision letter will clearly state the right of the complainant to refer the matter to Stage 3 of the school's Complaints Procedure if s/he remains dissatisfied, and indicate the time limit for doing so i.e. within 10 school days of receiving the decision letter from the Complaints Officer.
- g. The Complaints Officer will keep notes of any meetings / telephone calls / interviews which relate to his / her investigation into the complaint.

Formal Investigation into a general complaint against a member of staff

- a. The Head Teacher will act as the Complaints Officer where the formal complaint concerns the general conduct of a member of staff employed at the school; taking advice as necessary from the Local Authority (the Archdiocese / the Diocese).
- b. The letter of complaint must specify the complaint, the steps taken by the complainant (if any) to resolve the matter informally and the reasons for continued dissatisfaction. The letter should be accompanied by any supporting evidence where appropriate or relevant and indicate what sort of outcome is being sought by the complainant.
- c. The Head Teacher will acknowledge receipt of the formal complaint in writing within 5 school days and endeavour to send a full response (i.e. the decision letter) within 10 school days. Where it is not possible for the Head Teacher to investigate and respond in full within this time scale (i.e. due to the specific nature of the complaint, school holiday dates or the need to obtain additional information), the complainant will be advised when s/he can expect to receive a decision in writing.

- d. The Head Teacher will inform the member of staff concerned that a formal complaint has been received and confirm that it will be investigated in accordance with the school's general complaints procedure (where this procedure is considered to be appropriate). The member of staff will be advised to seek advice from their Trade Union representative or professional association.
- e. The Head Teacher will conduct a full investigation into the complaint and take responsibility for:
- Arranging for the collection of evidence
 - Conducting interviews with witnesses and taking written statements as necessary which are then signed and dated
 - Conducting a formal interview with the member of staff against whom the general complaint has been made

Advice will be sought from the Local Authority and / or (the Archdiocese / the Diocese) as and when required.

- f. The Head Teacher may need to contact or meet with the complainant in order to clarify specific issues or obtain additional information to assist the investigation. The complainant will be entitled to be accompanied by a friend or representative should s/he be invited to meet with the Complaints Officer for this purpose.
- g. The Head Teacher may also need to interview witnesses as part of a formal investigation and take statements from those involved which may include pupils. Should it become necessary in exceptional circumstances for a pupil to attend any meeting convened by the Head Teacher in order to clarify facts relating to a general complaint, the parents will be consulted beforehand. There would also need to be an undertaking from all parties that confidential matters relating to named members of staff would not be disclosed.
- h. At a formal interview, the Head Teacher will outline the nature of the general complaint and any relevant background information. The member of staff concerned will be entitled to be accompanied by a friend or representative from their trade union or professional association. The member of staff will be given full opportunity to explain their actions. A written record of the meeting will be made by the Head Teacher.
- i. Upon completion of a formal investigation, the Head Teacher will compile a written report (keeping notes of any telephone calls or interviews relating to the investigation) and decide what action should be taken in response to the complaint.
- j. The Head Teacher will inform the member of staff accordingly i.e. either :
- (i) that the complaint is unsubstantiated, and no further action is being taken,
or
 - (ii) that, as a result of the investigation, the complaint is justified in whole or
in part

If the complaint is justified, the Head Teacher will inform the member of staff what further action will be taken.

An apology will be sought from the complainant if it is established that their complaint was unwarranted, unjustified or malicious.

- k. The Head Teacher will write to the complainant to indicate the outcome of the formal investigation (i.e., the decision letter) and advise him or her of their right to refer the matter to Stage 3 of the school's Complaints Procedure if they remain dissatisfied and wish to take the matter further. The decision letter will also indicate the time limit for referring their complaint to Stage 3 i.e., by giving written notice to the Head Teacher within 10 school days of receiving the decision letter.

STAGE 3 – HANDLING FORMAL COMPLAINTS RELATING TO THE CHAIR OF THE GOVERNING BODY

- a. A general complaint which concerns wholly or in part the conduct of the Chair of the Governing Body must be sent in writing to the Clerk to the Governing Body at the school address.
- b. The letter should specify the complaint, indicate what action (if any) has been taken by the complainant to resolve the matter informally and set out the reasons for dissatisfaction (providing any supporting evidence if necessary). The letter should also indicate what sort of outcome is being sought by the complainant.
- c. The Clerk to the Governing Body will acknowledge receipt of the complaint in writing within 5 school days and notify the Chair of the Governing Body that a formal complaint has been received in relation to his / her conduct, indicating to each of them respectively that the letter of complaint will be tabled for discussion as a Part 2 Agenda item at the next full meeting of the Governing Body, or at a special meeting convened for this purpose if the next business meeting is not due to take place within the next 20 school days.
- d. At the Governing Body meeting, the Chair will withdraw whilst it is decided whether to refer the matter to the Local Authority (the Archdiocese / the Diocese) or, if it is considered more appropriate, to delegate the investigation to the Complaints Committee comprising (3 or more) governors. The Head Teacher will not serve as a member of the Complaints Committee whether or not s/he is a governor of the school if the complaint refers specifically to the conduct of the Chair of the Governing Body.
- e. If the complaint is referred on to the Local Authority, the complainant will be informed accordingly in writing by the Clerk within 5 school days of the Governing Body meeting at which the decision has been made.
- f. If the investigation of the complaint is being delegated to the Complaints Committee, the Governing Body will also determine whether or not to allow an appeal to be made to a further committee of the Governing Body that will be constituted at the meeting of the Governing Body if the complainant remains dissatisfied when notified of the decision made by the Complaints Committee. The Clerk will inform the complainant in writing within 5 school days.
- g. The Clerk to the Governing Body will convene a meeting of the Complaints Committee within 10 school days of the Governing Body meeting in order to set a timetable for the investigation of the complaint by the Complaints Committee. An officer of the Local Authority will be present in order to give advice.
- h. The Committee will hold an oral hearing within 15 school days of the meeting if it is considered to be appropriate. The Clerk to the Governing Body will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand, indicating who will be present and who will be chairing the proceedings. The complainant will be invited to attend and may be accompanied by a friend or representative. The notification letter will also explain how the hearing will be conducted and indicate that any written statement attached to the formal letter of complaint will be sent to each member of the Complaints Committee and the Chair of the Governing Body respectively at least 5 school days in advance of the hearing. The complainant will be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 school days in advance of the hearing so that this information can be

conveyed to the members of the Complaints Committee and the Chair of the Governing Body beforehand.

- i. The Clerk will also write to the Chair of the Governing Body and notify him / her of the date and time of the hearing at which the appeal will be considered by the Complaints Committee. The notification letter will invite the Chair of the Governing Body to attend the hearing, indicating that s/he can be accompanied by a friend or representative. The notification letter will also invite the Chair of the Governing Body to provide the Clerk with a written response to the complaint in time for copies to be sent on to the members of the Complaints Committee and the complainant at least 5 days beforehand. The Chair of the Governing Body will also be advised that s/he can submit written statements from witnesses and / or call witnesses in support of their case provided that the witness statements and names of witnesses to be called are notified to the Clerk at least 5 school days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the complainant beforehand.
- j. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Committee will make every effort to put people at ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation. The Clerk to the Governing Body will minute the proceedings of the Complaints Committee. An officer of the Local Authority will be in attendance to give advice.
- k. The Chair will invite the complainant to present their own case, supported by a friend or representative as necessary, call any witnesses whose names have already been notified to the Clerk, and elaborate as necessary on points raised in any written statement which has been submitted in support of their complaint against the Chair of the Governing Body.
- l. Members of the Complaints Committee and the Chair of the Governing Body will be given full opportunity to question the complainant and witnesses or seek clarification or information presented orally or via written statements.
- m. The Chair of the Complaints Committee will invite the Chair of the Governing Body to present their case and to call any witnesses whose names have already been notified to the Clerk.
- n. Members of the Complaints Committee and the complainant will be given full opportunity to question the Chair of the Governing Body and witnesses or seek clarification or information presented orally or via written statements.
- o. The complainant and the Chair of the Governing Body will each be allowed to make a closing statement to the Complaints Committee if they wish to do so.
- p. Both parties will then be asked to withdraw whilst the Complaints Committee considers all the evidence presented. The Committee will reach a decision as to the action to be taken in response to the complaint. In doing so, the Committee will take advice from the Local Authority.
- q. Both parties will then be invited to re-join the hearing and will be informed verbally of the decision made by the Complaints Committee. An apology will be sought from the complainant if it is established that the complaint was unwarranted, unjustified or malicious.
- r. The decision of the Complaints Committee will be confirmed in writing by the Clerk to the Governors within 5 school days, indicating the arrangements for making an appeal to a further committee of the Governing Body (if this has already been agreed by the Governing Body in pursuance of paragraph f. of this Annex).

2. **Appeal to a Further Committee of the Governing Body**
 - a. On receipt of a written appeal from the complainant, the Clerk will notify the Chair of the Governing Body immediately and acknowledge receipt of the appeal in writing within 5 school days.
 - b. The Clerk will convene a meeting of the Complaints Appeal Committee within 15 school days in order to conduct an oral hearing.
 - c. The Complaints Appeal Committee will comprise (3 or more) members.
 - d. The proceedings of the Complaints Committee will be minuted by the Clerk to the Governing Body.
 - e. The Clerk will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand. The notification letter will invite the complainant to attend the hearing, indicating that s/he can be accompanied by a friend or representative. The notification letter will also explain how the hearing will be conducted and indicate that any written statement provided by the complainant in support of their appeal will be sent by the Clerk to the members of the Complaints Appeal Committee and the Chairperson respectively at least 5 school days in advance of the hearing. The complainant will also be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 days in advance of the hearing so that this information can be conveyed to the members of the Complaints Appeal Committee and the Chairperson.
 - f. The Clerk will also write to the Chairperson and notify him / her of the date and time of the hearing at which the appeal will be considered by the Complaints Appeal Committee. The notification letter will be sent to the Chairperson at least 10 school days beforehand and invite him / her to attend the hearing, accompanied by a friend or representative, and prepare a written report in response to the complaint which must be received by the Clerk in time for copies to be sent on to the members of the Complaints Appeal Committee and the complainant at least 5 school days in advance of the hearing. The Chairperson's report can include written statements from other witnesses if they were directly involved in matters being raised by the complainant. The Chairperson can also request any of the witnesses concerned to attend the Complaints Appeal Committee hearing to give evidence if this is more appropriate. Any written statements produced by witnesses must be sent to the Clerk by the Chairperson in time for copies to be sent on to the members of the Complaints Appeal Committee and the complainant at least 5 school days beforehand. The Chairperson will also be required to notify the Clerk at least 5 school days before the date of the hearing if witnesses will be called and provide the names of those concerned so that this information can be conveyed to members of the Complaints Appeal Committee and the complainant.
 - g. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Appeal Committee will make every effort to put people at ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.
 - h. The Chair will invite the complainant to present their own case with support from a friend or representative as necessary, call any witnesses whose names have been already been notified to the Clerk, and elaborate as necessary *on points raised in any written statement* which has been submitted in support of their appeal to the Complaints Appeal Committee.

- i. Members of the Complaints Appeal Committee and the Chairperson will be given full opportunity to question the complainant and witnesses or seek clarification on information presented orally or via written statements.
- j. The Chair will invite the Chairperson to present their report and to call any witnesses whose names have already been notified to the Clerk.
- k. Members of the Complaints Committee and the complainant will be given full opportunity to question the Chairperson and witnesses or seek clarification on information presented orally or via written statements.
- j. The complainant and the Chairperson will each be allowed to make a closing statement to the Complaints Appeal Committee if they wish to do so.
- m. Both parties will then be asked to withdraw whilst the Complaints Appeal Committee considers the appeal and makes a decision i.e.
 - (i) to reject the appeal and uphold the decision previously taken
 - or
 - (ii) to uphold the appeal and determine the nature of any further action
- n. The Chair will then invite both parties to re-join the hearing and inform them of the decision made by the Complaints Appeal Committee. This decision will be confirmed in writing by the Clerk within 5 school days, indicating that the complainant may make a further appeal to the Local Authority provided that this is done within 10 days of the date of receiving the decision letter from the Clerk. The decision letter will indicate that a written appeal should be made in writing to the Director of Children and Young People's Services.

An apology will be sought from the complainant if it has been established by the Complaints Committee that the complaint was unwarranted, unjustified or malicious.

STAGE 4 - APPEAL TO THE GOVERNING BODY

- 1. **General**
 - a. The complainant must write to the Head Teacher within 10 school days of receiving a letter from the school following Stage 3 in order to make a formal appeal to the Governing Body against the Head Teacher's decision.
 - b. The Head Teacher will forward the appeal letter to the Chair of the Governing Body within 5 school days, together with any supporting statement or documentation which has been supplied by the complainant.
 - c. An appeal to the Governing Body will be dealt with by a Committee i.e. the Complaints Committee; the membership of which will be reviewed by the full Governing Body on an annual basis at a business meeting held during the Autumn Term. Upon receipt of a written appeal from a complainant, the Chair of the Governing Body will instruct the Clerk to convene a meeting within 15 school days in order to conduct an oral hearing. The proceedings of the Complaints Committee will be minuted by the Clerk.
 - d. The Complaints Committee will comprise (3 or more) members; at least one of whom will be a parent governor at the school or another member of the Governing Body who has a

child in full time education. The Head Teacher will not be eligible to serve as a member of the Complaints Committee whether or not s/he is a Governor of the school.

2. **Notification of the Complaints Committee meeting**

- a. The Clerk will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand, indicating who will be present and who will be chairing the proceedings. The complainant will be entitled to attend and to be accompanied by a friend or representative. The notification letter will confirm that copies of any written statement attached to the letter of appeal will be sent to each member of the Complaints Committee and the Head Teacher respectively at least 5 school days in advance of the hearing. The complainant will also be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 school days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the Head Teacher beforehand.
- b. The Clerk will also write to the Head Teacher and notify him / her of the date of the hearing at which the appeal will be considered by the Complaints Committee. The notification letter will invite the Head Teacher to attend the hearing and provide the Clerk with a written report in response to the complaint at least 7 school days beforehand. Copies will be sent to the members of the Complaints Committee and the complainant at least 5 days in advance of the hearing. The Head Teacher will also be entitled to submit written statements from staff if they were directly involved in matters being raised by the complainant, or request any of the staff concerned to attend the oral hearing and give evidence as witnesses if this is more appropriate.
- c. Any written statements from staff must be forwarded to the Clerk by the Head Teacher at least 7 school days before the date of the oral hearing so that copies can be sent to members of the Complaints Committee and the complainant at least 5 school days beforehand.
- d. The Head Teacher will also be required to notify the Clerk at least 5 school days before the date of the hearing if witnesses will be called, and provide the names of those concerned so that this information can be sent to members of the Complaints Committee and the complainant in advance of the hearing.

3. **The conduct of the meeting**

- a. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Committee will make every effort to put people at ease and avoid undue formality, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.
- b. The Chair will invite the complainant to present their own case with support from a friend or representative as necessary, call any witnesses whose names have been already notified to the Clerk, and elaborate as required on points raised in the written statement or other supporting documentation which may have been submitted in support of their appeal to the Governing Body.
- c. Members of the Complaints Committee and the Head Teacher will be given full opportunity to question the complainant and witnesses or seek clarification on information presented orally or via the written statement / supporting documentation.
- d. The Chair will invite the Head Teacher to present their report and to call any witnesses whose names have already been notified to the Clerk.

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- e. Members of the Complaints Committee and the complainant will be given full opportunity to question the Head Teacher and witnesses or seek clarification on information presented orally or via written statements.
- f. The complainant and the Head Teacher will each be allowed to make a closing statement to the Complaints Committee if they wish to do so.
- g. Both parties will then be asked to withdraw whilst the Complaints Committee considers the appeal and all the evidence presented. The Committee will then make its decision i.e.
 - (i) to reject the appeal and uphold the decision previously taken ,
 - or
 - (ii) to uphold the appeal and determine what action will be taken
- h. The Chair will then invite both parties to re-join the hearing and inform them of the decision made by the Complaints Committee.

The Clerk will confirm this decision in writing within 5 days, indicating that the complainant may make a further appeal to the Local Authority if s/she remains dissatisfied, provided that this is done within 10 days of the date of receiving the decision letter from the Clerk. The decision letter will indicate that a written appeal should be made to the Director of Community Education and Leisure Services.

An apology will be sought from the complainant if it is established that their complaint against the school or the manner in which it had been investigated hitherto was unwarranted, unjustified or malicious.

STAGE 5 - FURTHER APPEAL

TO THE LOCAL AUTHORITY

- a. The complainant must specify the reasons for their dissatisfaction with the investigation into their complaint by the school and provide relevant evidence to the Local Authority.
- b. The Local Authority's Complaints Officer will acknowledge receipt of the appeal letter in writing and notify the Head Teacher and the Chair of the Governing Body respectively within 5 working days.
- c. The Local Authority will review the complaint process undertaken by the school. The review will ensure that the complaint was dealt with appropriately in accordance with the School's General Complaints Procedure. The Local Authority will make a written response to the complainant within 10 working days. Any appeal to the Local Authority relating to a Voluntary Aided school will involve appropriate liaison between the Local Authority and the relevant Diocesan authority. Should it not be possible for the Local Authority to respond fully within this time scale, the complainant will receive a letter from the investigating officer indicating when a full response will be given.
- d. Copies of all relevant correspondence will be sent to the Chair of the Governing Body and the Head Teacher.
- e. The Governing Body of the school will consider the contents of the Local Authority's final written response in relation to the complaint in order to determine what further action (if any) should be taken by the school.

APPEAL TO THE ARCHDIOCESE / DIOCESAN BOARD OF EDUCATION

The Governing Bodies of Voluntary Aided Schools should contact the relevant Church Authority if they wish the Archdiocese / Diocese to handle any appeals arising from their school's general complaints procedure in order to obtain their agreement and determine how this should be referred to within the school's documentation.

HANDLING COMPLAINTS RECEIVED BY SOLICITOR'S LETTER

- a. Where a formal complaint is received in the form of a solicitor's letter. The Head Teacher should acknowledge the letter within 5 school days of receipt.
- b. The Head Teacher should inform the Chair of the Governing Body that the letter has been received.
- c. The Head Teacher and/or Chair of Governors should engage the services of the Authority's Solicitor.
- d. At the next full Governing Body meeting the Head Teacher/Chair should inform Governors that a solicitor's letter has been received. However, details of the complaint should not be discussed at the meeting in order not to prejudice any future Complaints Appeal Hearing
- e. The Head Teacher and/or Chair should investigate the complaint in line with the appropriate stage/s of the procedure. They should liase with the Authority's Solicitor in order to draw up the response to the complainant's Solicitor.

HANDLING FORMAL COMPLAINTS RELATING TO THE HEAD TEACHER

- a. A formal complaint which concerns the general conduct of the Head Teacher, or relates specifically to his / her conduct as the school's Complaints Officer, must be sent in writing to the Chair of the Governing Body who will consult the Local Authority (the Archdiocese / the Diocese) in order to determine whether or not the complaint falls within the scope of this procedure.
- b. The letter of complaint must be sent via the school. This should specify the complaint, indicate what steps (if any) have been taken by the complainant to resolve the matter informally, and set out the reasons for continued dissatisfaction (providing any supporting evidence if necessary). The letter should also indicate what sort of outcome is being sought by the complainant.
- c. The letter of complaint will be forwarded to the Chair of the Governing Body within 5 school days.

2. Investigation and Response by the Chair of the Governing Body

- a. The Chair of the Governing Body will act as Complaints Officer and acknowledge receipt of the letter of complaint within 5 school days indicating that a full response (i.e. the decision letter) will be made within 10 school days. Where it is not possible for the Chair of the Governing Body to provide a final written response within this time scale (i.e. due to the nature of the complaint or the need to obtain additional information), the written acknowledgement will indicate when the decision letter will be sent to the complainant.
- b. The Chair of the Governing Body will seek advice from the Local Authority and / or (the Archdiocese / the Diocese) before conducting a full investigation into the complaint. This will involve:
 - Arranging for the collection of evidence
 - Conducting interviews and taking written statements as necessary
 - Conducting a formal interview with the Head Teacher
 - Arranging for a written record to be kept of the proceedings at the formal interview
- c. The Chair of the Governing Body may seek advice from the Local Authority and / or (the Archdiocese / the Diocese) at any stage.
- d. The Chair of the Governing Body may need to contact or meet with the complainant in order to obtain clarify specific points or obtain additional information to assist the investigation. The complainant will be entitled to be accompanied by a friend or representative if s/he is invited to meet with the Chair of the Governing Body as part of the formal investigation.
- e. The Chair of the Governing Body will outline the complaint during a formal interview at which the Head Teacher will be entitled to be accompanied by a friend or representative from their professional association. The Head Teacher will be given full opportunity to explain his or her actions. An officer of the Local Authority will also be in attendance. A written record will be made of the proceedings. Notes will also be kept in respect of any telephone calls made during the course of the investigation.

- f. The Chair of the Governing Body, following advice from the Local Authority, will decide upon the action to be taken in response to the complaint and inform the Head Teacher accordingly i.e. either:
- (i) that the complaint is unsubstantiated and no further action will be taken,
 - or
 - (ii) that the complaint is justified in whole or in part. (The Head Teacher will be advised what further action will be taken)
- g. The Chair of the Governing Body will write to the complainant to indicate the outcome of the formal investigation (i.e. the decision letter) and advise him / her of their right of appeal against the decision if s/he remains dissatisfied provided that this is done in writing to the Clerk to the Governing Body within 10 school days of receiving the decision letter. The complainant will be advised of their right to submit a written statement in support of their appeal to the Complaints Committee.

3. **Appeal to the Governing Body**

- e. On receipt of a written appeal from the complainant, the Clerk will notify the Chair of the Governing Body immediately and acknowledge receipt of the appeal in writing within 5 school days. The Clerk will also send written notification to the Head Teacher that an appeal is being made to the Governing Body.
- f. The Chairman will authorise the Clerk to convene a meeting of the Complaints Committee within 15 school days in order to conduct an oral hearing.
- g. The Complaints Committee will comprise (3 or more) members; at least one of whom will be a parent governor at the school or a member of the Governing Body who has a child in full time education. The Chair of the Governing Body will not be eligible to serve on the Committee given that the appeal being investigated relates to a decision s/he has made as the Complaints Officer.
- h. The proceedings of the Complaints Committee will be minuted by the Clerk to the Governing Body.
- e. The Clerk will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand. The notification letter will invite the complainant to attend the hearing, indicating that s/he can be accompanied by a friend or representative. The notification letter will also explain how the hearing will be conducted and indicate that any written statement provided by the complainant in support of their appeal will be sent by the Clerk to the members of the Complaints Committee and the Head Teacher respectively at least 5 school days in advance of the hearing. The complainant will also be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the Head Teacher.
- f. The Clerk will also write to the Head Teacher and notify him / her of the date and time of the hearing at which the appeal will be considered by the Complaints Committee. The notification letter will be sent to the Head Teacher at least 10 school days beforehand and invite him / her to attend the hearing, accompanied by a friend or representative, and prepare a written report in response to the complaint which must be received by the Clerk in time for copies to be sent on to the members of the Complaints Committee and the complainant at least 5 school days in advance of the hearing. The Head Teacher's report can include written statements from other staff if they were directly involved in matters being raised by the complainant. The Head Teacher can also request any of the

staff concerned to attend the Complaints Committee hearing to give evidence as witnesses if this is more appropriate. Any written statements produced by staff must be sent to the Clerk by the Head Teacher in time for copies to be sent on to the members of the Complaints Committee and the complainant at least 5 school days beforehand. The Head Teacher will also be required to notify the Clerk at least 5 school days before the date of the hearing if witnesses will be called and provide the names of those concerned so that this information can be conveyed to members of the Complaints Committee and the complainant.

- g. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Committee will make every effort to put people at ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.
- h. The Chair will invite the complainant to present their own case with support from a friend or representative as necessary, call any witnesses whose names have been already been notified to the Clerk, and elaborate as necessary on points raised in any written statement which has been submitted in support of their appeal to the Complaints Committee.
- i. Members of the Complaints Committee and the Head Teacher will be given full opportunity to question the complainant and witnesses or seek clarification on information presented orally or via written statements.
- j. The Chair will invite the Head Teacher to present their report and to call any witnesses whose names have already been notified to the Clerk.
- k. Members of the Complaints Committee and the complainant will be given full opportunity to question the Head Teacher and witnesses or seek clarification on information presented orally or via written statements.
- j. The complainant and the Head Teacher will each be allowed to make a closing statement to the Complaints Committee if they wish to do so.
- m. Both parties will then be asked to withdraw whilst the Complaints Committee considers the appeal and makes a decision i.e.
 - (i) to reject the appeal and uphold the decision previously taken
 - or
 - (ii) to uphold the appeal and determine the nature of any further action
- n. The Chair will then invite both parties to re-join the hearing and inform them of the decision made by the Complaints Committee. This decision will be confirmed in writing by the Clerk within 5 school days, indicating that the complainant may make a further appeal to the Local Authority provided that this is done within 10 days of the date of receiving the decision letter from the Clerk. The decision letter will indicate that a written appeal should be made in writing to the Director of Community Education and Leisure Services.

An apology will be sought from the complainant if it has been established by the Complaints Committee that the complaint was unwarranted, unjustified or malicious.

HANDLING FORMAL COMPLAINTS RELATING TO THE CHAIR OF THE GOVERNING BODY

- a. A general complaint which concerns wholly or in part the conduct of the Chair of the Governing Body must be sent in writing to the Clerk to the Governing Body at the school address.
- b. The letter should specify the complaint, indicate what action (if any) has been taken by the complainant to resolve the matter informally and set out the reasons for dissatisfaction (providing any supporting evidence if necessary). The letter should also indicate what sort of outcome is being sought by the complainant.
- c. The Clerk to the Governing Body will acknowledge receipt of the complaint in writing within 5 school days and notify the Chair of the Governing Body that a formal complaint has been received in relation to his / her conduct, indicating to each of them respectively that the letter of complaint will be tabled for discussion as a Part 2 Agenda item at the next full meeting of the Governing Body, or at a special meeting convened for this purpose if the next business meeting is not due to take place within the next 20 school days.
- d. At the Governing Body meeting, the Chair will withdraw whilst it is decided whether to refer the matter to the Local Authority (the Archdiocese / the Diocese) or, if it is considered more appropriate, to delegate the investigation to the Complaints Committee comprising (3 or more) governors. The Head Teacher will not serve as a member of the Complaints Committee whether or not s/he is a governor of the school if the complaint refers specifically to the conduct of the Chair of the Governing Body.
- e. If the complaint is referred on to the Local Authority, the complainant will be informed accordingly in writing by the Clerk within 5 school days of the Governing Body meeting at which the decision has been made.
- f. If the investigation of the complaint is being delegated to the Complaints Committee, the Governing Body will also determine whether or not to allow an appeal to be made to a further committee of the Governing Body that will be constituted at the meeting of the Governing Body if the complainant remains dissatisfied when notified of the decision made by the Complaints Committee. The Clerk will inform the complainant in writing within 5 school days.
- g. The Clerk to the Governing Body will convene a meeting of the Complaints Committee within 10 school days of the Governing Body meeting in order to set a timetable for the investigation of the complaint by the Complaints Committee. An officer of the Local Authority will be present in order to give advice.
- h. The Committee will hold an oral hearing within 15 school days of the meeting if it is considered to be appropriate. The Clerk to the Governing Body will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand, indicating who will be present and who will be chairing the proceedings. The complainant will be invited to attend and may be accompanied by a friend or representative. The notification letter will also explain how the hearing will be conducted and indicate that any written statement attached to the formal letter of complaint will be sent to each member of the Complaints Committee and the Chair of the Governing Body respectively at least 5 school days in advance of the hearing. The complainant will be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 school days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the Chair of the Governing Body beforehand.

- i. The Clerk will also write to the Chair of the Governing Body and notify him / her of the date and time of the hearing at which the appeal will be considered by the Complaints Committee. The notification letter will invite the Chair of the Governing Body to attend the hearing, indicating that s/he can be accompanied by a friend or representative. The notification letter will also invite the Chair of the Governing Body to provide the Clerk with a written response to the complaint in time for copies to be sent on to the members of the Complaints Committee and the complainant at least 5 days beforehand. The Chair of the Governing Body will also be advised that s/he can submit written statements from witnesses and / or call witnesses in support of their case provided that the witness statements and names of witnesses to be called are notified to the Clerk at least 5 school days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the complainant beforehand.
- j. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Committee will make every effort to put people at ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation. The Clerk to the Governing Body will minute the proceedings of the Complaints Committee. An officer of the Local Authority will be in attendance to give advice.
- k. The Chair will invite the complainant to present their own case, supported by a friend or representative as necessary, call any witnesses whose names have already been notified to the Clerk, and elaborate as necessary on points raised in any written statement which has been submitted in support of their complaint against the Chair of the Governing Body.
- l. Members of the Complaints Committee and the Chair of the Governing Body will be given full opportunity to question the complainant and witnesses or seek clarification on information presented orally or via written statements.
- m. The Chair of the Complaints Committee will invite the Chair of the Governing Body to present their case and to call any witnesses whose names have already been notified to the Clerk.
- n. Members of the Complaints Committee and the complainant will be given full opportunity to question the Chair of the Governing Body and witnesses or seek clarification on information presented orally or via written statements.
- o. The complainant and the Chair of the Governing Body will each be allowed to make a closing statement to the Complaints Committee if they wish to do so.
- p. Both parties will then be asked to withdraw whilst the Complaints Committee considers all the evidence presented. The Committee will reach a decision as to the action to be taken in response to the complaint. In doing so, the Committee will take advice from the Local Authority.
- q. Both parties will then be invited to re-join the hearing and will be informed verbally of the decision made by the Complaints Committee. An apology will be sought from the complainant if it is established that the complaint was unwarranted, unjustified or malicious.
- r. The decision of the Complaints Committee will be confirmed in writing by the Clerk to the Governors within 5 school days, indicating the arrangements for making an appeal to a further committee of the Governing Body (if this has already been agreed by the Governing Body in pursuance of paragraph f. of this Annex).

2. **Appeal to a Further Committee of the Governing Body**

- a. On receipt of a written appeal from the complainant, the Clerk will notify the Chair of the Governing Body immediately and acknowledge receipt of the appeal in writing within 5 school days.
- b. The Clerk will convene a meeting of the Complaints Appeal Committee within 15 school days in order to conduct an oral hearing.
- c. The Complaints Appeal Committee will comprise (3 or more) members.
- d. The proceedings of the Complaints Committee will be minuted by the Clerk to the Governing Body.
- e. The Clerk will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand. The notification letter will invite the complainant to attend the hearing, indicating that s/he can be accompanied by a friend or representative. The notification letter will also explain how the hearing will be conducted and indicate that any written statement provided by the complainant in support of their appeal will be sent by the Clerk to the members of the Complaints Appeal Committee and the Chairperson respectively at least 5 school days in advance of the hearing. The complainant will also be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 days in advance of the hearing so that this information can be conveyed to the members of the Complaints Appeal Committee and the Chairperson.
- f. The Clerk will also write to the Chairperson and notify him / her of the date and time of the hearing at which the appeal will be considered by the Complaints Appeal Committee. The notification letter will be sent to the Chairperson at least 10 school days beforehand and invite him / her to attend the hearing, accompanied by a friend or representative, and prepare a written report in response to the complaint which must be received by the Clerk in time for copies to be sent on to the members of the Complaints Appeal Committee and the complainant at least 5 school days in advance of the hearing. The Chairperson's report can include written statements from other witnesses if they were directly involved in matters being raised by the complainant. The Chairperson can also request any of the witnesses concerned to attend the Complaints Appeal Committee hearing to give evidence if this is more appropriate. Any written statements produced by witnesses must be sent to the Clerk by the Chairperson in time for copies to be sent on to the members of the Complaints Appeal Committee and the complainant at least 5 school days beforehand. The Chairperson will also be required to notify the Clerk at least 5 school days before the date of the hearing if witnesses will be called and provide the names of those concerned so that this information can be conveyed to members of the Complaints Appeal Committee and the complainant.
- g. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Appeal Committee will make every effort to put people at ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.
- h. The Chair will invite the complainant to present their own case with support from a friend or representative as necessary, call any witnesses whose names have been already been notified to the Clerk, and elaborate as necessary on points raised in any written statement which has been submitted in support of their appeal to the Complaints Appeal Committee.
- i. Members of the Complaints Appeal Committee and the Chairperson will be given full opportunity to question the complainant and witnesses or seek clarification on information presented orally or via written statements.

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- j. The Chair will invite the Chairperson to present their report and to call any witnesses whose names have already been notified to the Clerk.
- k. Members of the Complaints Committee and the complainant will be given full opportunity to question the Chairperson and witnesses or seek clarification on information presented orally or via written statements.
- l. The complainant and the Chairperson will each be allowed to make a closing statement to the Complaints Appeal Committee if they wish to do so.
- m. Both parties will then be asked to withdraw whilst the Complaints Appeal Committee considers the appeal and makes a decision i.e.
 - (i) to reject the appeal and uphold the decision previously taken
 - or
 - (ii) to uphold the appeal and determine the nature of any further action
- n. The Chair will then invite both parties to re-join the hearing and inform them of the decision made by the Complaints Appeal Committee. This decision will be confirmed in writing by the Clerk within 5 school days, indicating that the complainant may make a further appeal to the Local Authority provided that this is done within 10 days of the date of receiving the decision letter from the Clerk. The decision letter will indicate that a written appeal should be made in writing to the Director of Children and Young People's Services.

An apology will be sought from the complainant if it has been established by the Complaints Committee that the complaint was unwarranted, unjustified or malicious.

HANDLING FORMAL COMPLAINTS RELATING TO MEMBERS OF THE SCHOOL GOVERNING BODY

(OTHER THAN THE CHAIR OF THE GOVERNING BODY OR THE HEAD TEACHER)

- a. A formal complaint which concerns the general conduct of a Governor must be sent in writing to the Chair of the Governing Body using the school address.
- b. The letter of complaint should specify the complaint, indicate what action (if any) has been taken by the complainant in order to resolve the matter informally, and set out the reasons for dissatisfaction (providing any supporting evidence as necessary). The letter should also indicate what sort of outcome is being sought by the complainant.
- c. The Chair of the Governing Body will act as Complaints Officer and acknowledge receipt of the letter of complaint within 5 school days and endeavour to provide a full written response (i.e. the decision letter) within 10 school days. Where it is not possible to provide a final response within this time scale (i.e. due to the nature of the complaint or the need to obtain additional information), the written acknowledgement will indicate when the decision letter will be sent to the complainant.
- d. The Chair of the Governing Body will immediately inform the Governor concerned that a formal complaint has been received in relation to their conduct.
- e. The Chair of the Governing Body will take advice from the Local Authority before conducting a full investigation into the complaint. Where appropriate, the Chair of the Governing Body will contact or meet with the complainant and / or the Governor concerned in order to clarify specific points relating to the complaint or obtain additional information to assist his / her enquiries. Notes will be taken in respect of any telephone calls or meetings which relate to the investigation.
- f. The Chair of the Governing Body will decide upon the action to be taken in response to the complaint before writing to the complainant and the Governor concerned in order to convey the outcome of the investigation (i.e. the decision letter).
- g. The complainant will be allowed to appeal against the decision of the Chair of the Governing Body provided that written notice is received by the Clerk to the Governing Body within 10 school days of receiving the decision letter.
- h. Upon receiving notice of an appeal, the Clerk will contact the Chair of the Complaints Committee and acknowledge receipt of the appeal in writing within 5 school days. The Clerk will also send written notification to the Governor concerned that an appeal has been received.
- i. The Chair of the Complaints Committee will authorise the Clerk to convene a meeting of the Committee within 15 school days in order to conduct an oral hearing.
- j. The Complaints Committee will comprise (3 or more) members; at least one of whom will be a parent governor at the school or a member of the Governing Body who has a child in full time education. The Chair of the Governing Body will not be eligible to serve on the Committee given that the appeal from the complainant relates to a decision s/he had made as the Complaints Officer.
- k. The Clerk will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand, indicating who will be present and who will chair the proceedings. The notification letter will invite the complainant to attend the hearing,

indicating that s/he can be accompanied by a friend or representative. The notification letter will also explain how the hearing will be conducted and indicate that copies of the appeal letter submitted by the complainant and any written statement(s) attached to it will be sent by the Clerk to the members of the Complaints Committee and the Governor concerned at least 5 days in advance of the hearing. The complainant will also be advised that s/he can call relevant witnesses in support of their appeal provided that the names are notified to the Clerk at least 5 days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the Head Teacher.

- l. The Clerk will also write to the Governor concerned and notify him / her at least 10 school days beforehand of the date and time of the hearing at which the appeal will be considered. The notification letter will invite the Governor to attend the hearing, indicating that s/he can be accompanied by a friend or representative. The letter will also invite the Governor to prepare a written response to the complaint which must be received by the Clerk in time for copies to be sent on to the members of the Complaints Committee and the complainant at least 5 school days before the date of the hearing. The Governor's response can also include any written statements from third parties if they were directly involved in matters being raised by the complainant. The Governor will be advised that s/he can call relevant witnesses to give evidence at the hearing, provided that the names of those concerned are notified to the Clerk at least 5 days before the date of the hearing so that this information can be conveyed to the Complaints Committee and the complainant.
- m. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Committee will make every effort to put people at ease, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation. The Clerk to the Governing Body will minute the proceedings of the Complaints Committee.
- n. The Chair will invite the complainant to present their own case, with support from a friend or representative as necessary, call any witnesses whose names have already been notified to the Clerk, and elaborate as necessary on any points raised in the letter of appeal or any written statement(s) which have been attached to it.
- o. Members of the Complaints Committee and the Governor concerned will be given full opportunity to question the complainant and witnesses or seek clarification on information set out in the written appeal, presented orally or submitted via a written statement.
- p. The Chair of the Complaints Committee will invite the Governor to present their case, with support from a friend or representative as necessary, call any witnesses whose names have already been notified to the Clerk, and elaborate as required on points raised in any written response to matters raised by the complainant via their appeal.
- q. Members of the Complaints Committee and the complainant will be given full opportunity to question the Governor and witnesses or seek clarification on information presented orally or via written statements / responses.
- r. The complainant and the Governor will each be allowed to make a closing statement to the Complaints Committee if they wish to do so.
- s. Both parties will then be asked to withdraw whilst the Complaints Committee considers all the evidence presented. The Committee will reach a decision as to the action to be taken in response to the complaint. In doing so, the Committee will take advice from the Local Authority.

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- t. Both parties will then be invited to re-join the hearing and will be informed verbally of the decision made by the Complaints Committee. An apology will be sought from the complainant if it is established that the complaint was unwarranted, unjustified or malicious.
- u. The Clerk to the Governing Body will confirm the decision of the Complaints Committee in writing to the complainant and the Governor concerned within 5 school days.

HANDLING FORMAL COMPLAINTS RELATING TO THE SCHOOL'S COMPLAINTS OFFICER (if not Head Teacher)

FORMAL COMPLAINTS RELATING TO THE CONDUCT OF THE COMPLAINTS OFFICER (WHERE S/HE IS NOT THE HEAD TEACHER)

- a. Where a formal complaint concerns in whole, or in part, the conduct of the Complaints Officer (where s/he is not the Head Teacher), this must be sent in writing to the Head Teacher.
- b. The letter of complaint should specify the complaint, the steps which the complainant has taken (if any) in order to resolve the matter informally, and set out the reasons for dissatisfaction (providing any supporting evidence as necessary). The letter should also indicate what sort of outcome is being sought by the complainant.
- c. The Head Teacher will act as Complaints Officer and acknowledge receipt of the complaint within 5 school days. The Head Teacher will endeavour to send a full written response to the complainant within 10 school days. Where it is not possible to provide a final response within this time scale (i.e. due to the nature of the complaint or the need to obtain additional information), the written acknowledgement will indicate when the decision letter will be sent to the complainant.
- d. The Head Teacher will immediately inform the member of staff concerned that a formal complaint has been received in relation to their conduct as the school's Complaints Officer.
- e. The Head Teacher will conduct a full investigation into the complaint. Where appropriate, the Head Teacher will contact or meet with the complainant and / or the member of staff concerned in order to clarify specific points relating to the complaint or obtain additional information to assist his / her enquiries. Notes will be taken in respect of any telephone calls or meetings that relate to the investigation.
- f. The Head Teacher will decide upon the action to be taken in response to the complaint before writing to the complainant and the member of staff concerned in order to convey the outcome of the investigation (i.e. the decision letter).
- g. The complainant will be allowed to appeal against the decision of the Head Teacher provided that written notice is received by the Clerk to the Governing Body within 10 school days of receiving the decision letter.
- h. Upon receiving notice of an appeal, the Clerk will contact the Chair of the Complaints Committee and convene a meeting within 15 school days in order to deal with the matter. The proceedings of the Complaints Committee will be minuted by the Clerk to the Governing Body. The Committee will reach a decision as to the action to be taken in response to the complaint; taking advice from the Local Authority.
- i. The Complaints Committee will hold an oral hearing if this is considered to be appropriate. The hearing will be convened and conducted in accordance with Appendix 4 of the school's General Complaints Procedure.

An apology will be sought from the complainant if it is established by the Complaints Committee that the complaint was unwarranted, unjustified or malicious.

HANDLING FORMAL COMPLAINTS MADE BY A GOVERNOR OF THE SCHOOL

The Local Authority advises Governing Bodies to adopt the following provisions within their complaints procedure.

- a. A formal complaint must be made in writing by the Governor concerned and forwarded to the Chair of the Governing Body who will acknowledge its receipt by letter within 5 school days. The complainant must specify the nature of the complaint, setting out the steps taken (if any) to resolve the matter informally, the continued reason(s) for dissatisfaction, and the desired outcome. The Chair will also notify the Head Teacher that a complaint has been received from a member of the Governing Body if it relates specifically to his or her conduct, the conduct of another member of staff, or some other general matter relating to the school. Similarly, the Chair will notify any other members of the Governing Body if their conduct is the subject of the complaint.

Where the complaint concerns wholly or in part the conduct of the Chair of the Governing Body, the complainant should write to the Clerk who will acknowledge receipt of the complaint in writing within 5 school days. The complaint will be dealt with in accordance with Annex 2 of the school's Complaints Procedure thereafter.

- b. Receipt of the complaint will be reported via a Part 2 Agenda item at the next full meeting of the Governing Body, or at a special meeting convened for this purpose within 15 school days if the next scheduled business meeting is not due to be held during this period.
- c. The Governing Body will decide whether the complaint should be investigated by the Chair of the Governing Body (acting as Complaints Officer in accordance with Section 2 of Annex 1 to the school's Complaints Procedure) with the right of appeal to the Complaints Committee if the complainant is dissatisfied with the decision reached by the Chair, or, if it considered to be more appropriate, refer the matter directly to the Complaints Committee – having taken advice from the Local Authority (or the Archdiocese / the Diocese). If it is decided to delegate the investigation to the Complaints Committee, the Committee shall meet within 10 school days in order to set a timetable for its investigation and notify this to the complainant and the Governing Body.
- d. The Committee shall hold an oral hearing where they consider it appropriate given the particular facts of the case. Where an oral hearing is held, the Committee will be convened and conducted in accordance with Section 3 of Annex 1 to the school's General Complaints Procedure.

HANDLING FORMAL COMPLAINTS FROM PUPILS

Governing Bodies are encouraged to establish such procedures as they see fit for dealing with complaints from persons who are pupils at the school at the time they make a formal complaint, having regard to the need to ensure that any such complaints are dealt with fairly and promptly.

The Local Authority is recommending that schools should enhance existing mechanisms in order to deal with formal complaints from pupils. These could include:

- Extension of the “ problem box ” used in many schools in order to highlight pupil concerns in relation to bullying
- Incorporating awareness raising on pupils rights and responsibilities within the PSE curriculum, and establishing clear points of contact for pupil concerns
- Using the School Council as a forum for discussion around general concerns which may be shared by a number of pupils

GUIDELINES FOR HANDLING INFORMAL COMPLAINTS

- a. **Be “positive”** – Don’t take the complaint personally. Handling complaints properly is an important part of good customer care. Make it clear from the outset that the school is committed to raising standards and encourages people to come forward and speak about things which concern them. First impressions count. If you are defensive, you will reinforce the impression that you are not interested in the problem or concern being raised informally by the complainant
- b. **Try to defuse the situation** – The complainant may be angry or upset if they feel that the school has let them down. The complainant’s aggression may arise from problems experienced in the past, or an expectation that the school will not listen or try to resolve the problem.

Complainants are generally seeking clarification, an apology or some reassurance that the situation will not happen again. Stay calm and friendly. Allow the complainant to let off steam if they need to. Indicate that you understand there is a problem and let the complainant know that you are prepared to listen to what they have to say.

If the complainant is abusive towards you or displaying threatening behaviour, you should ask him / her to leave immediately and attempt to resume the discussion at a later date if this is practical, or take appropriate steps following consultation with the Council’s Legal Division to prevent the complainant from coming onto the school site without prior authorisation from the Head Teacher.

- c. **Ask questions to get at the facts** – If a complainant tells you that an aspect of the school’s service is unsatisfactory; try to find out exactly why they think that and what the complainant wants the school to do about it. Avoid jargon – it can be confusing and misleading. Once the reason for dissatisfaction has been clarified, you can identify the problem and attempt to resolve it.
- d. **Emphasise with the complainant-** Show that you understand why the complainant is dissatisfied and let him / her know that you intend to do something about it. Check that you are being understood.
- e. **Never criticise or blame the complainant** - If the problem arises from a mistake or misunderstanding on the complainant’s part, you should try and clarify the situation without directing personal criticism.
- f. **Try to resolve the problem** – You should endeavour to respond immediately or within a few days if you need to establish all the relevant facts and circumstances. Make detailed notes following your enquiries. If a mistake has been made by the school or the school has been at fault, the complainant should be offered an apology, an explanation or a promise to rectify the situation or review existing policies / working practice as appropriate.
- g. **Check that the complainant is satisfied** and thank them for bringing the matter to the school’s attention. If the complaint has highlighted the need for an improvement or change to be made in school policy or procedures, make sure that this is followed up.
- h. **If the complainant remains dissatisfied**, advise them how to make a formal complaint using the school’s complaints procedure.

GOOD INVESTIGATIVE PRACTICE DURING INTERVIEWS

Whilst the majority of complaints are usually dealt with speedily and simply as a matter of routine, a few of them may lead to a formal interview situation as part of the investigation being carried out by the school's Complaints Officer under Stage 2 of the General Complaints Procedure.

The following guidance has been produced in order to assist the investigating officer:

- a. Ascertain beforehand whether the interviewee will need support of any kind (either before or during the meeting) due to difficulties with reading / writing / hearing / sight / speech or language
- b. Obtain and read through all the relevant documentation in advance of the interview i.e. letter of complaint and any other written evidence supplied by the complainant and / or provided by the school
- c. Consider whether you need a witness (e.g. an officer of the Local Authority) for what could be a particularly difficult or contentious interview, and make suitable arrangements to ensure that detailed notes will be taken during the proceedings.
- d. Inform all staff to be interviewed that they can be accompanied by a friend or union representative. Explain the complaint clearly. Staff who may be questioned as part of a formal investigation must feel that they have been treated in a fair way and that they are being given full opportunity to put their case. The school's general complaints procedure is distinct from formal disciplinary proceedings and this needs to be made clear to all concerned from the outset.
- e. Interviews should seek to establish the facts of the case. Listen attentively and try to separate hearsay evidence from fact by asking interviewees how they know a particular fact. Avoid passing judgements or coming to conclusions before having considered all aspects of the complaint.
- f. Deal with conflicts of evidence by trying to obtain corroborative evidence.
- g. At the end of the interview, summarise the main points covered by the interviewee and ask if s/he has anything to add.
- h. Make a formal record of the interview from your own written notes as soon as possible after the interview or obtain this from the person who has been acting as clerk (as appropriate).

ANNEX 10

DFE GUIDANCE FOR PUBLICATION OF COMPLAINTS PROCEDURES

One or more of the following:

- The school prospectus
- The governors' report to parents
- The information given to new parents when their children join the school
- The information given to the children themselves
- The home-school agreement
- Home school bulletins or newsletter
- Document supplied to community users including course information or letting agreements
- A specific complaints leaflet which includes a form on which a complaint can be made
- Posters displayed in areas of the school that will be used by the public, such as reception or the main entrance
- The school website