Bradshaw Primary School

Complaints Policy

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1. Introduction

1.1 This academy strives to provide an excellent education for all our children. The headteacher, governors and staff work diligently to build positive relationships with parents, carers and all stakeholders.

1.2 However, if parents, carers or other stakeholders* have a concern this policy sets out the procedure to be followed in such cases.

**Although, technically, any person, including members of the general public, may make a complaint about any aspect of a school's facilities or services (unless, as specified below, separate statutory procedures apply) it is normally the case that concerns and complaints will only be submitted by those who have a personal reason for involvement, and in practice this will include not only parents and carers but may also extend to, for example, those resident in the immediate vicinity of the school or other members of the local community.*

1.3 Schools must ensure, throughout the process, that they comply with their obligations under the Equality Act 2010. Although it is common practice to ask for complaints to be made in writing (ideally by completion of an official complaint form) it is possible that the complainant may have different communication preferences due to disability or learning difficulties or unfamiliarity with the English language (etc) and where this is of relevance schools must allow alternative methods of contact (as emphasised later in this policy).

2. Purpose and scope

2.1 It should be noted at the outset that any concerns or complaints submitted by members of staff should be dealt with under the academy's Grievance Policy. The remit of this policy is therefore limited to concerns or complaints emanating from an external source in relation to facilities or services provided by the academy.

2.2 The primary aim of this policy is to ensure that any concerns or complaints received from parents or other stakeholders are resolved as fairly and speedily, and as near to the point of origin, as possible.

2.3 The academy is committed to developing a robust, transparent and reflective approach to remedy any identified concerns or complaints. There is a similar commitment to ensuring that the academy is an exemplar of the very highest of standards.

2.4 Most issues raised are concerns rather than complaints. A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A 'complaint', in contrast, may be defined as 'an expression of dissatisfaction, however made, about actions taken or about a lack of (appropriate) action'.

2.5 Both concerns and complaints (irrespective of whether these are accorded formal status) will be dealt with by the academy in a sensitive, impartial and confidential manner. It is recognised that a concern may turn into a complaint if it is not addressed seriously or sensitively.

2.6 It is in the interest of all parties that both concerns and complaints are resolved at the earliest possible stage, and it is likely that many issues will prove capable of informal resolution without the need to resort to formal procedures.

2.7 The academy is committed to taking all concerns seriously as soon as they become aware of the problem and will endeavour, whenever possible, to resolve such issues without necessarily instigating formal procedures.

2.8 However, depending on the nature of the concern or complaint and the outcome of informal process, the complainant may wish to follow (or may be requested by management to follow) the academy's formal complaints procedure (although compliance with any such request will be entirely at the discretion of the complainant).

2.9 Complaints may be received by the academy in relation to services provided by third parties in the form of external providers who use school premises or facilities. In such an event the academy should direct the complainant to follow the external provider's own complaints procedure (and the academy should ensure, at the time of making any arrangement for a third party to use their premises or facilities to offer services to the community, that such providers have their own complaints procedures in place).

2.10 For the academy to be able to investigate a complaint satisfactorily, it must be brought to the attention of management within three months of the incident occurring (or, should this be later, coming to light). In this context, complaints submitted out of term time will normally be regarded as having been received on the first school day after the relevant holiday period.

2.11 If a complaint is not made within three months of the causative incident occurring or coming to light it is unlikely to be investigated unless the circumstances are exceptional.

2.12 Escalation (to the next stage) of a concern or complaint is dependent upon the submission of written notification* from the complainant indicating that they remain dissatisfied. Such notification must be received by the academy within ten working days of the complainant's receipt of a response to the informal (Stage 1) process (which may be verbal or in writing) or to the formal (Stage 2) process (which must be in writing).

***If the complainant has a relevant disability the requirement for such notification to be in writing should normally be waived in accordance with the final clause of section 1.*

2.13 **If no such notification is received within the above timescale the complaint shall be deemed to have lapsed and** (other than in extenuating circumstances) **will not be investigated further**.

3. Legal and technical considerations

3.1 All academies are required to have a procedure for dealing with complaints relating either to the academy or to any community facilities or services that the academy may offer.

3.2 This policy is fully compliant with the content of the Education (Independent School Standards) Regulations 2014 (particularly Part 7 thereof) whilst also taking into consideration the substance of 'Best Practice Advice for School Complaints Procedures 2020' (departmental advice for maintained schools, maintained nursery schools and local authorities).

3.3 For complaints from parents or carers of pupils (other than those relating to admissions, exclusions, statutory assessments of Special Educational Needs (SEN), allegations of child protection, or breach of trust or misconduct – for all of which specific protocols are in place) the appropriate procedure should comply with recommendations from the Department for Education (DfE) and government legislation (Section 29 of the Education Act 2002) in offering no fewer than three stages, which should include:

- an opportunity to resolve the complaint with the school on an informal basis (for example through discussion with the class teacher in the first instance)

- a formal complaint stage (should the complainant be dissatisfied with the response at the informal stage)
- a formal appeal hearing (should the complainant be dissatisfied with the response at the formal stage) with a panel set up by the academy, comprising at least three persons, none of whom has been directly involved in the matters detailed in the complaint, and (at least) one of whom must be wholly independent of the management and running of the academy.

3.4 The academy will always be mindful of the obligation to make special provision where the complainant may have specific needs or requirements due to disability or to limited facility in use of the English language.

3.5 Occasionally, schools may become the focus of a campaign and receive large volumes of complaints which:

- relate to the same subject; and/or
- emanate from complainants with no direct connection to the school.

3.6 In such circumstances the academy reserves the right to respond by providing all complainants with a template response and/or by publishing a single response on the academy's website.

3.7 In a similar manner, schools may, having completed the complaints procedure in relation to a complaint submitted, subsequently receive a duplicated complaint (in relation to the same matter) from a different source, not infrequently a family member.

3.8 In such circumstances it is acceptable for the academy to advise the complainant, in accordance with sections 11 (final clause) and 14 (in its entirety), that the school-based complaints procedure has been completed and that no further action will be taken.

3.9 However, in such cases the (new) complainant should also be advised that, if they remain dissatisfied with the school's handling of the original complaint, they may wish to consult the Department for Education's website to seek further information on how they might pursue the matter.

4. Parental responsibility

4.1 Not infrequently, complaints may be received by schools which relate to a background of conflict between estranged parents. Schools are required by law to engage with the parents of pupils but in certain circumstances it may prove difficult to establish which parties in fact legally hold parental responsibility, as several adults may make such a claim in respect of an individual child.

4.2 Schools are also expected to navigate complex living arrangements, particularly for children who may be living in social care, where once again the issue of parental responsibility may not be entirely clear.

4.3 In such cases, schools may wish to seek guidance from the relevant government website which contains specific advice for schools to understand their obligations and duties, as recognised by education law, in relation to the rights and responsibilities of parents. This guidance can be located at:

www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility

5. Unreasonable ('serial or persistent') and anonymous complaints

5.1 Serial or persistent complaints are defined as those which are in pursuance of a desire to reopen a matter which has already been explored in accordance with this policy to the point where the final stage of the school-based process has been exhausted (see section 14).

5.2 Such complaints need not be responded to by the school (although care must be taken that these labels are not applied to the complainant in person: **they can only be applicable to** (the nature of) **the complaint itself**).

5.3 Before making a considered decision to stop responding to a complainant the school should consider whether:

- it has taken every reasonable step to address the complainant's needs
- the complainant has been given a clear statement of the school's position and their options (if any)
- the complainant is contacting the school repeatedly but making substantially the same points each time.

5.4 In this respect the school is significantly less likely to be open to criticism (for failing to respond) if:

- there is reason to believe the complainant is deliberately causing disruption or inconvenience
- the complainant has been abusive or aggressive (whether in person or via either telephone or written communication)
- the complainant has made insulting personal comments or has threatened staff.

5.5 Anonymous complaints are incapable of being responded to in accordance with the academy's policy (as the complainant clearly cannot engage in the process, or receive an appropriate response, if they have not been identified). However, anonymous complaints about matters which are deemed by the academy to warrant investigation will be explored further if sufficient information has been provided to render this feasible.

6. Stages of process

6.1 The standard procedure of this policy consists (in accordance with the format specified by the DfE) of the following three stages:

- **Stage 1 (informal)**

  in which a concern (or complaint) is raised with a staff member* (and is hopefully resolved at that initial level).

  **Ideally the matter should be raised with the individual against whom the complaint is directed although provision is made for an alternative (normally senior) member of staff to be approached should this be felt appropriate.*

- **Stage 2 (formal)**

  in which the complainant submits an indication (normally in writing) that they remain dissatisfied with the outcome at the conclusion of Stage 1, at which point formal process is commenced and the complaint is reviewed by the headteacher (or by a

nominated governor (see below) if the complaint in question is directed against the headteacher).

- **Stage 3 (appeal)**

  in which the complainant submits an indication (which, other than in extenuating circumstances, will be in writing) that they remain dissatisfied with the outcome at the conclusion of Stage 2, after which the complaint is heard by the governing body complaints appeal panel.

7. Complaints against school staff

7.1 Any complaints which have progressed beyond the informal stage and which relate to the conduct of members of staff will be handled in accordance with the academy's internal disciplinary procedures.

7.2 This means that complaints against staff members in relation to their conduct may be dealt with, under the relevant policy, by the headteacher (unless that individual is deemed to be compromised by virtue of previous involvement in the matter, in which case the issue may be delegated to either a senior member of staff or a governor) and then, should the matter progress to the appeal stage, by a panel formed in accordance with the relevant policy.

7.3 A modified procedure is applicable in instances where a complaint in relation to conduct is directed specifically against the headteacher. In the event of such an issue arising (and progressing beyond the informal stage) the complaint is initially dealt with at the formal stage by a suitably skilled (and impartial) nominated member of the governing body and then, should the complaint progress to the appeal stage, by a panel formed in accordance with the relevant policy.

7.4 Both this policy and any other policy of relevance (such as the academy's Disciplinary Policy) should therefore be interpreted in accordance with this principle by substituting 'nominated member of the governing body' for 'headteacher' in instances where the latter is the subject of the complaint.

8. Complaints related to governance

8.1 Very occasionally a complaint may be received in relation to the behaviour or actions of an individual governor or (less often) either a group of governors or the governing body as a whole.

8.2 Governing bodies are strongly advised to have in place an appropriate code of conduct which will ensure that all governors know how to work positively towards school improvement whilst providing assurance that governance of the school conforms to best practice. This latter element includes ensuring that any concern which may arise in relation to the conduct of governors (whether jointly or severally) is addressed at the earliest opportunity.

8.3 There are no nationally agreed procedures for dealing with complaints against governors (other than regulations on suspension and removal of governors) and the following guidance (intended to complement the content of this policy) is designed to advise governing bodies on what should be done in the event of such an occurrence.

8.4 Complaints against a governor should never be investigated by the headteacher or by any other member of academy staff.

8.5 In dealing with a complaint against a governor, the process should follow a three-stage process (as outlined in section 6 above) comprising informal stage, formal stage and appeal.

8.6 When a complaint is made against a governor (including the chair or vice chair) it should be submitted to the clerk to governors, who should then arrange for the complaint (unless it can be resolved informally at Stage 1 of the process) to be heard by a suitably skilled and impartial member of the governing body (Stage 2) and then (if required) by an appeal panel composed as defined previously (Stage 3).

8.7 If the complaint relates to the entire governing body, or to both the chair and vice chair, then the clerk to governors should determine the most appropriate course of action. This will depend on the precise nature of the complaint but may involve bringing the matter to the attention of the local authority (or, if relevant, the diocese) who can advise on the need to appoint an independent investigator to complete Stage 2 and/or co-opting appropriate persons (such as governors from other schools) to hear an appeal at Stage 3 of the process.

8.8 Current DfE guidance also recommends that a complaints policy should include details on how to complain specifically about a CEO and/or a MAT, if these designations are relevant to the academy concerned. In such cases the policy is required to state who will manage the complaint* at each stage of the process.

**This will most often (at least initially) be the clerk to governors/trustees although every MAT may design its own process as long as this continues to meet the minimum of a three stage procedure whilst also ensuring that any panel hearing the case includes at least one independent member.*

9. Stage 1 (informal) – raising a concern

9.1 Concerns can be raised with the academy at any time. The academy requests that parents make their first contact with the pupil's teacher or, where this is not possible or is deemed inappropriate, either the headteacher or (where applicable) a nominated complaints co-ordinator.

9.2 The recipient of the concern may be able to respond immediately (and often this will serve to resolve the issue). However, on some occasions the concern raised may require investigation, or discussion with others, in which case the academy will endeavour to provide an informal response (which may be either verbal or written) within two working days. It is anticipated that most concerns will be satisfactorily dealt with in this manner.

9.3 However, if the complainant is not satisfied with the outcome at the completion of Stage 1, they are entitled to progress their concern to the status of an official complaint and to advance to the next stage of the process.

9.4 At this juncture (if not before) they should be provided with a copy of the academy's complaints policy (or signposted to this via the academy's website if this is acceptable to them).

9.5 All complainants should be made aware that publicising their complaint through social media or any other means of communication will be likely to prejudice any investigation and may make it impossible to explore their complaint further.

9.6 The complainant should also be requested, at this point, to complete an official complaint form (Appendix 1) which should be returned to the headteacher within ten working days of the complainant receiving an initial response (whether verbal or written). The official

complaint form should, ideally, present an opportunity to communicate the complainant's expectations as to how their complaint might best be satisfactorily resolved.

9.7 On receipt of the official complaint form, the complaint will be logged by the academy, including the date of receipt. The academy will then progress the complaint to the next (formal) stage.

9.8 Schools cannot insist on the complainant completing an official complaint form. If the school is in receipt of a notification (this may be interpreted to include not only email but also verbal communication – see following section) which could reasonably be regarded as constituting an official complaint it is still under an obligation to treat this seriously. The school must record the communication and respond appropriately, including escalating the matter to formal process if it becomes clear that the complainant remains dissatisfied by informal attempts to reach a resolution.

10. Stage 2 (formal) – dealing with complaints

10.1 If the matter has not been resolved at Stage 1, as evidenced by receipt of further communication from the complainant to this effect, the headteacher will review the complaint by considering all relevant written material and by discussion with the appropriate member(s) of staff and/or the complainant.

10.2 The aim will be to resolve the matter as quickly as possible and an appropriate response will normally be in writing, in which event it should be despatched within five working days of the written complaint having been received.

10.3 The academy may wish to extend to the complainant an opportunity to meet with the person appointed to deal with the complaint to explore the matter further (unless there are circumstances where it is felt that this might place any party at risk).

10.4 Any such meeting should normally take place within five working days of the written complaint having been received, and an appropriate response in writing should then be provided within a further five working days, but this timescale may be extended if, as may be the case, a meeting cannot reasonably be arranged within this period.

10.5 However, if the complainant remains dissatisfied with the outcome at the completion of Stage 2, they are entitled to progress their complaint to the next stage and should write* to the chair of governors within ten working days of receipt of said correspondence to confirm that the complaint has not yet been resolved to their satisfaction.

***if the complainant has a relevant disability the requirement for notification to be in writing should normally be waived in accordance with the final clause of section 1.*

10.6 As previously, any such communication will be logged by the academy, including the date of receipt. The academy will then progress the complaint to the next (appeal) stage.

11. Stage 3 (appeal) – governor panel process

11.1 If the matter has not been resolved at Stage 2, as evidenced by receipt of further communication from the complainant to this effect, the chair of governors will then convene a Complaints Appeal Panel.

11.2 The members of the Complaints Appeal Panel will consider the complaint afresh (as opposed to merely considering the handling of the complaint at earlier stages) to ensure,

in accordance with DfE expectations, that there is always a mechanism in place whereby decisions are considered independently and are not taken in isolation.

11.3 The Complaints Appeal Panel will comprise three persons, none of whom has been directly involved in the matters detailed in the complaint. Two of these persons may be academy governors with no previous involvement in the case but there is a statutory requirement that (at least) one person on the panel must be wholly independent of the management and running of the academy. The latter may be a member of the governing body of a neighbouring educational establishment or a person of good standing in the local community.

11.4 The Complaints Appeal Panel should, whenever possible, meet within a maximum of ten working days of receipt of an appeal. Both the complainant and the headteacher (representing the academy) are invited to attend the appeal hearing and all parties (including the members of the panel) should be issued with relevant documentation (anything on record which it is anticipated will be referred to in the hearing) no less than five working days in advance of the hearing.

11.5 The academy will normally extend to the complainant the right to be accompanied in a panel hearing, although this right will be restricted to a relative or friend of the complainant, rather than a legal (or media) representative.

11.6 If the entire governing body is aware of the substance of a complaint before the final stage has been completed, schools should arrange for a wholly independent panel to hear the complaint. In such instances a different school may be approached for assistance in constituting an appeal panel.

11.7 Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. Schools should consider such requests but any decision to have recourse to an independent panel is entirely at the discretion of members of the governing body.

11.8 The letter of invitation to the appeal hearing should state that due consideration will be given to any relevant disabilities which might affect the complainant's ability to attend or partake in the hearing, such as communication issues or impairment of mobility.

11.9 The letter of invitation should also make clear that the complainant may (if unwilling or unable to attend the appeal hearing in person) elect to submit a written statement for consideration by the panel in their absence.

11.10 The letter of invitation should additionally make clear that if the complainant fails to respond by confirming their intention (either to attend the hearing or to elect to have the complaint heard in their absence) the complaint will not be investigated further, in which event the process will cease at this point.

11.11 The appeal hearing will be held within the academy (unless a suitable alternative venue is agreed by all parties) and will be minuted (normally by the clerk to governors). The panel chair should conduct the hearing in accordance with the guidance set out in Appendix 3.

11.12 The aim of the Complaints Appeal Panel hearing is to resolve the complaint impartially and to achieve reconciliation between the academy and the complainant. All parties will be notified in writing of the panel's decision within five working days of the date of the hearing.

11.13 This stage is the last school-based stage of the complaints procedure and the decision of the Complaints Appeal Panel is final.

12. Publishing complaints procedures

12.1 Under Section 29(1)(b) of the Education Act 2002, all schools must publicise their complaints procedures, which effectively means that every academy is expected to publish the relevant policy on their website (as all maintained schools must do).

12.2 Even if the academy does not have its own website, the complaints procedures must still be published online, and this may be through the relevant local authority's website or another hosting platform such as a diocesan or federation website.

12.3 In the case of federated academies, the governing body is responsible not only for creating suitable complaints procedures but also for ensuring that each academy in the federation publishes these on their website (and it should be noted that it is insufficient for the complaints procedures to be published only on the federation's website unless individual member academies do not have websites of their own).

13. Documentation of complaints

13.1 A written record will be kept of all formal complaints, and this will specify, firstly, whether they are resolved following a formal procedure (Stage 2) or proceed to an appeal panel hearing (Stage 3), and, secondly, will record any action taken by the academy in response to complaints submitted (regardless of whether they are upheld).

13.2 Any findings of an appeal hearing (and/or recommendations made as an outcome of an appeal hearing) will be provided to the complainant (and, where relevant, to the individual or body complained about) and will be made available for inspection on the school premises by the headteacher and the governing body.

13.3 All documentation (correspondence, statements and any other records, whether in electronic format or hard copy) relating to individual complaints of a formal nature will be stored in an appropriate manner and will be kept confidential, other than as specifically stated above and/or where the Secretary of State or a body conducting an inspection under relevant legislation requests access to them.

13.4 Should the complainant make a request to record the proceedings of the Stage 3 hearing by use of an electronic recording device (such as a mobile phone) it is at the discretion of the academy whether to permit this, and a decision to do so would require the agreement of all parties.

13.5 Given (understandable) concern that such recordings may be lost, leaked, or even subsequently edited by third parties prior to wider (external) distribution the academy will not normally accede to such requests, although consideration will be given to whether this might constitute a reasonable adjustment should the complainant be disadvantaged by, for instance, communication difficulties.

13.6 Should permission be given to record such a hearing, considerable care must be taken to ensure that the interests of persons who may be rendered identifiable during the proceedings (including those who may not themselves be present) are safeguarded appropriately.

13.7 It is advisable to make clear to complainants that covert recording of proceedings is not permitted, and that any material obtained by such means will not be admissible at any stage of the complaints procedure.

14. Complaints unresolved at conclusion of process

14.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant attempts to reopen the same issue following the Complaints Appeal Panel hearing, the chair of the governing body should inform them in writing that the school-based procedure has been exhausted and that the matter is now closed.

14.2 Any such correspondence may wish to point out that the complainant remains at liberty to consult the Department for Education website (www.education.gov.uk) to assess whether their complaint might be capable of being pursued by alternative means, such as by contacting the Education and Skills Funding Agency (EFSA), should they so desire.

15. Other policies and procedures

15.1 This policy will be supported by the following policies and procedures:

- Disciplinary Policy
- Grievance Policy

Appendix 1: School Complaint Form

Please complete and return to the School Office / Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

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

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 2: Guidance for staff investigating a complaint

It is suggested that, at each stage, the person investigating the complaint* makes sure that they:

- establish **what** has happened so far, and **who** has been involved
- take details of the complaint to clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or if further information is necessary)
- clarify what the complainant feels would put things right
- interview all persons identified by the complainant as being relevant to the matter (and any others deemed appropriate) allowing them to be accompanied if they wish
- conduct such interviews with an open mind and be prepared to persist in the questioning if felt necessary or appropriate
- keep notes of all interviews undertaken.

An appointment to discuss the issue, if deemed appropriate, should normally be offered as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. Complaints need to be considered and resolved as quickly and efficiently as possible. However, where further investigation is necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for any consequent delay.

It is appropriate to consider ways in which a complaint could be resolved at each individual stage of the procedure, and it may be instructive to encourage complainants to state what actions they feel might resolve the problem at any stage.

It may be sufficient to acknowledge that the complaint is valid in whole or in part and, in addition, it may be appropriate to offer one or more of the following:

- an explanation
- an apology
- an assurance that the event complained of will not happen again
- an explanation of the steps that have been taken† to ensure that there will be no recurrence
- an undertaking to review school policies and/or procedures in the light of the complaint and, if found appropriate, to modify practice and protocols accordingly
- an admission that the situation could (or should) have been handled differently, or better (this is not the same as an admission of negligence).

An effective complaints procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a more positive atmosphere in which to discuss any outstanding issues.

**All staff investigating a complaint should have received (through CPD) appropriate instruction on how to conduct an enquiry and respond to the complainant in an appropriate manner*.

†*If a complaint is upheld which does lead to disciplinary action being taken against a member of staff, such detailed information cannot be divulged to the complainant – the latter should merely be informed that "**appropriate management action has been taken**".*

Appendix 3: Guidance for Governing Body Complaints Appeal Panel Hearing

The Complaints Appeal Panel will consist of three persons with no previous involvement in the case, at least two of whom will normally be governors but one of whom must be wholly independent of the management and running of the academy. The latter may be a member of the governing body of a neighbouring educational establishment or a person of good standing in the local community. The panel will nominate a chair to lead the process.

It is important that the appeal hearing is independent and impartial. No individual may sit on the appeal panel if they have had prior involvement in the complaint or in the circumstances surrounding it.

The aim of the hearing, which should be held in private, is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and to make recommendations which will satisfy the complainant that their complaint has been addressed seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The parent or carer may, should they wish, be accompanied at the hearing. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

The role of the clerk to governors (who is the contact point for the complainant) **is to**:

- ensure that members of the panel should have no detailed prior knowledge of the complaint (and it is, therefore, unlikely that staff governors will be members of the panel)
- 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
- ensure that the letter inviting the parent/carer to attend should indicate that they may be accompanied by a friend or relative
- 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
- minute the proceedings, listing who is present, and make everyone aware of the confidential nature of the process
- notify all parties (following conclusion of the hearing) of the panel's decision

At the meeting:

- the panel must be made up of three members, who are accompanied by a clerk
- one member of the panel must be completely independent of the school
- the panel will appoint one of their number to act as chair
- although this is a formal meeting, every effort should be made to make it seem as informal as possible to all concerned with the parent or carer being put at ease – the parent or carer may, should they wish, be accompanied at the hearing
- the chair should open the meeting, ensuring that any necessary introductions are made before stating the purpose and the format of the meeting and thus clarifying process to all in attendance
- the chair should intimate that the meeting will be minuted and that the panel's decision will be final, whilst indicating that a written record of the complaint and its outcome will be forwarded to the complainant in due course

- the chair should clarify the panel's position in relation to recording the hearing, and emphasise that covert recording is not permissible
- the chair should request a verbal statement from the complainant in support of their written letter of complaint to clarify why they feel the issue has not yet been resolved to their satisfaction
- the chair may ask questions to make sure the complainant's point of view is understood
- the panel members should, as and when required, ask any further questions to elucidate any points that may still not be clear to them
- the chair should request a verbal statement from the headteacher (or their representative) in support of their written response to the complaint, including any steps taken in an attempt to resolve the issue
- the chair may ask questions to make sure the headteacher's (or school's) point of view is understood
- the panel members should, as and when required, ask any further questions to elucidate any points that may still not be clear to them
- the chair must ask, in turn, the complainant and the headteacher (or their representative) whether they are satisfied that they have provided all the information they wanted to present or if there is anything further that they wish to add
- the chair should also ascertain whether the complainant feels they have had a fair hearing
- when all the above points have been covered the chair will ask all parties to leave except the panel members and the clerk

After the meeting:

- the panel members will need to consider the information presented in the meeting in order to come to a decision and suggest a way to resolve the issue, taking into full account the best interests of the child or children concerned
- the panel will consider the issues in private (although the clerk will remain to record their decision)
- the panel can decide to:
  - dismiss the complaint in whole or in part
  - uphold the complaint in whole or in part
  - decide on any appropriate action to be taken to resolve the complaint
  - recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur
- once the panel has reached a determination the clerk will inform everyone concerned in writing as soon as possible but in any event within five working days of the panel meeting
- the outcome letter will also contain advice as to what the complainant should do if they wish to take the matter further, although it should be noted that (as long as the correct procedure has been followed) the decision of the panel will be final
- a record must be kept of the outcome of the hearing
- written records of complaints will be maintained and reported annually to governors.