



Sheep Dip Lane
PRIMARY SCHOOL

Complaints Procedures

September 2019

Status	Statutory
Governing Body Committee	School Improvement Committee
Responsible Persons	Mrs F Parish Head Teacher
Date the policy was agreed	September 2019
Review date	September 2021

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Growin
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Sheep Dip Lane
PRIMARY SCHOOL

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Sheep Dip Lane Primary School: Complaints Procedures

Reviewed: September 2019

1. Introduction

1.1 Any complaint of any nature that relates to the school must follow the Sheep Dip Lane Primary School Complaints Policy and Procedure. This policy and procedure only applies to complaints about any aspect of the school.

2. Aims and process

2.1 This Complaints Policy is based on the principle that concerns expressed by a pupil, parent/carer or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed.

The four stages are:

- Stage 1 - Informal investigation of a concern.
- Stage 2 - Formal complaint investigated by a member of staff.
- Stage 3 - Formal complaint investigated by a senior manager.
- Stage 4 - Complaint heard before the Governing Body Complaint Panel.

2.2 Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.

2.3 Complaints made by a Governor should be referred to the Chair of the Governing Body as appropriate to be dealt with informally as an item for consideration initially and, if necessary, through the formal procedure set out in the school's governance procedures.

2.4 Complaints made by contractors should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this Complaints Policy.

2.5 This Complaints Policy is intended to be compliant with the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

3. Definitions and scope

3.1 The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

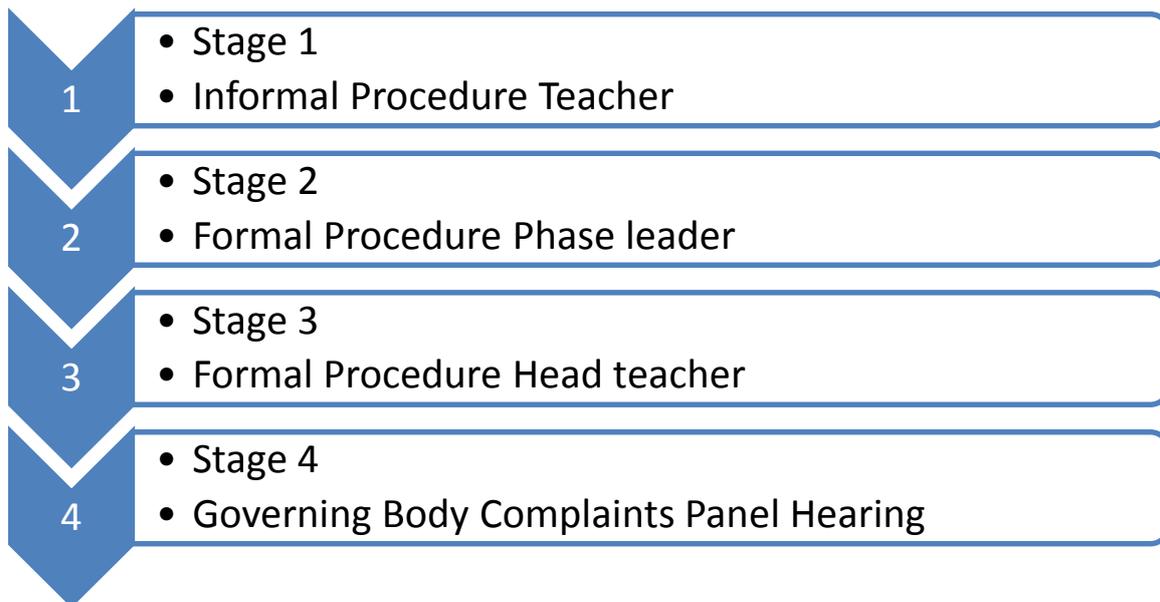
- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

4 The Policy

4.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three months of the latest incident or event).

4.2. The school has four stages to its complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the Complainant, at the earliest possible stage. Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stages. Only if the complaint cannot be subsequently resolved at the formal stages would it be escalated to a Governor Complaint Panel Hearing.



4.3. The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read this Complaints Policy to familiarise his or her self with the procedure;
- Is aware of the time limits that apply to the relevant stage and ensures that he or she complies with them;
- Establishes the nature of the complaint and what issues remain unresolved;
- Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right;
- If necessary, interviews those involved in the matter, for example the Complainant, pupils and members of staff, including those complained about;
- Allows those complained about to be accompanied during interviews, if they wish;
- Keeps a written record of the interview, and asks the interviewee to sign and date it;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- Provides an effective response to the complaint, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages);
- Ensures that the response to the complaint includes the appropriate redress, where necessary;
- Reports the complaint and the outcome of the complaint to the Senior Leadership/Governing Body School Improvement Team so that services can be improved;
- Deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

5 Principles of Resolving a Concern or Complaint

5.1. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after

the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.

5.2. At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Trust will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school or Governing body.

Principles of Notifying the Outcome of a Concern or Complaint

5.3 Once all of the facts have been established, the investigator will write to the Complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the Complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the Complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must not be referred to.

5.4. The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the school. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The evidence did not substantiate the concern, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

Time Limits

5.5. This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The Complainant will, within

the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

Late Complaints

5.6. Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Governing Body reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the Trust decides that a concern or complaint which was raised late will not be investigated, the Trust will write to the Complainant notifying them of the decision within 5 working days of the concern or complaint being raised.

5.7 If the Complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Head teacher at the school asking for the decision to be reviewed. The Head teacher, will be provided with all documentation relating to the concern or complaint, together with the letter from the school to the Complainant, and will review the decision made. The Head teacher will write to the Complainant with the outcome of the review within 10 working days of the date that the letter from the Complainant seeking the review was received, and provide the school with a copy of the letter.

5.8. If the Head teacher quashes the decision not to investigate the concern or complaint, it will be referred to a Senior Leader of the school to be dealt with under the procedure in this Complaints Policy in the usual way.

5.9. If the Head teacher upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Governing Body Complaints Panel using the procedure stated towards the end of this Complaints Policy.

5.10. In exceptional circumstances, the Head teacher can delegate the responsibility for the review to the Deputy Head teacher providing that they have no link to the subject of the complaint or if appropriate refer the matter to the Chair of Governors.

Vexatious and/or Repeated Complaints

5.11. There may be occasions when, despite exhausting the procedure in this Complaints Policy, the Complainant persists in making the same complaint to the school. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters, which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure. In all of these cases, the school reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

5.12. Where the school decides that a complaint is vexatious and/or repeated and will not be investigated, the school will write to the Complainant within 5 working days of the complaint being raised to notify them of the decision.

5.13. If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Governing Body to ask for the decision to be reviewed. The Chair will be provided with all documentation relating to the current complaint and any previous complaints, which were relevant to the decision, together with the letter from the school to the Complainant, and will review the decision made. The Chair of the Governing Body will write to the Complainant with the outcome of the review within 10 working days of the date that the letter from the Complainant seeking the review was received.

5.14. If the Chair of the Governing Body quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

5.15. If the Chair upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Local Authority using the procedure stated towards the end of this Complaints Policy.

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

Anonymous Complaints

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

6. Stage 1 - Informal Procedure

6.1. Members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The school values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.

6.2. There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within 10 working days. Should the nature or complexity of the concern mean that more time is required, the school will write to the Complainant within 10 working days informing them of the reason for the delay and confirming a revised date for resolution.

6.3. Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form in Annex 3 will be forwarded to the Complainant for completion and return, together with a copy of this Complaints Policy.

7. Stage 2 – Formal Complaint Investigated by a Member of Staff

7.1. If the Complainant is unhappy with the way in which the concern was dealt with informally, the Complainant should complete the formal complaint form found in Annex 3 and return it to the school.

7.2. Upon receipt of a completed formal complaint form, the Head teacher will identify the appropriate member of staff to investigate the complaint under Stage 2. If the complaint is about a member of staff, a manager senior to that member of staff will normally investigate the complaint. If the complaint is very serious, the Head teacher may, at their discretion, escalate the complaint directly to Stage 3.

7.3. The school will try to respect the views of a Complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred back to the Head teacher who may, if they feel it necessary, refer the complaint to another staff member for investigation.

7.4. Where the complaint concerns the Head teacher or a member of the Governing Body the complaint will be referred to the Chair of the Governing Body. The Chair will investigate the complaint under Stage 3 of this Complaints Policy. Where the complaint concerns the Chair, the Vice Chair of the Governing Body will investigate the complaint under Stage 3 of this Complaints Policy.

7.5. Where the first approach is made to any member of the Governing Body they must refer the complaint to the Head teacher who will allocate it to an appropriate member of staff for investigation under Stage 2 of this Complaints Policy. The Governing body member should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Complaint Panel at a later stage of the procedure.

7.6. The member of staff considering the complaint will write to the Complainant acknowledging the complaint within 5 working days of receiving the formal complaint form. The acknowledgement will confirm which stage of the Complaints Policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome within 10 working days of the formal complaint form being received. If this time limit cannot be met, the member of staff will write to the Complainant within 10 working days of the formal complaint form being received, explaining the reason for the delay and providing a revised date.

7.7. The letter to the Complainant should notify them that if he or she is unhappy with the outcome of the Stage 2 investigation of the complaint, they should write to the Head teacher within 10 working days of receiving the letter asking for the complaint to be investigated under Stage 3 of this Complaints Policy. If no further communication is received from the Complainant within 10 working days, the complaint will be deemed to have been resolved.

8. Stage 3 – Formal Complaint Investigated by the Head teacher

8.1. If the Complainant is unhappy with the outcome of the complaint under Stage 2, the Complainant should write to the Head teacher asking for the complaint to be investigated under Stage 3 of this Complaints Policy.

8.2. The Head teacher will write to the Complainant acknowledging the complaint within 5 working days of the date that the letter was received from the Complainant. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the Head teacher will write to

the Complainant confirming the outcome within 10 working days of the date that the letter was received from the Complainant. If this time limit cannot be met, the Head teacher will write to the Complainant within 10 working days of the date that the letter was received from the Complainant, explaining the reason for the delay and providing a revised date.

8.3. The letter to the Complainant should notify them that if he or she is unhappy the outcome of the Stage 3 investigation of the complaint, they should write to the Chair of the Board of Governors within 10 working days of receiving the letter asking for the complaint to be heard before a Complaint Panel under Stage 4 of this Complaints Policy. If no further communication is received from the Complainant within 10 working days, the complaint will be deemed to have been resolved.

8.4. The Head teacher may delegate responsibility for investigating the complaint under Stage 3 of this Complaints Policy to a member of the Senior Leadership Team. In those circumstances, the Head teacher will monitor the progress of the investigation, and it will be the Head teacher who will write the letter of outcome to the Complainant.

8.5. As stated above, where a formal complaint form is received making a complaint about the Head teacher or any member of the Governing Body the complaint will be referred to the Chair of the Board of Governors for investigation under Stage 3 of this Complaints Policy, rather than Stage 2. If a formal complaint form is received making a complaint about the Chair, the complaint will be referred to the Vice Chair for investigation under Stage 3 of this Complaints Policy, rather than Stage 2.

9. Stage 4 – Complaint Heard at a Complaint Panel Hearing

9.1. If the Complainant is unhappy with the outcome of the complaint under Stage 3, the Complainant should write to the Chair of the Board of Governors asking for the complaint to be heard before a Complaint Panel.

9.2. The Chair of the Board of Governors will write to the Complainant acknowledging the request for the complaint to be heard before a Complaint Panel within 5 working days. The letter will inform the Complainant that the Complaint Panel Hearing will take place within 25 working days of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Chair, who will be the Complainant's point of contact.

Appointment of the Complaint Panel

9.3. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

9.4. One of the Complaint Panel members will be independent of the management and running of the school. For the avoidance of doubt, a Local Authority Co-opted Governor may be the independent Complaint Panel member, as long as they are not an employee of the school, and they are sufficiently removed from the management and running of the school to be considered truly independent.

The School's Representative

9.5. The school will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the Head teacher or a member of the senior leadership team, however it may on occasions be the Chair of the Governing Body, or the Vice-Chair. If the

Complainant has complained about the way in which the complaint was investigated by that person (rather than simply disagreeing with the outcome of the complaint) then the school will not be represented by that person at the Complaint Panel Hearing, and the Governors will nominate another person to represent the school.

Convening the Complaint Panel Hearing

9.6. The Chair of the Governing Body will convene the Complaint Panel Hearing on a date and at a time which is convenient to the Complainant, the school's representative and the three Complaint Panel members. The Clerk will write to the Complainant, the Trust's representative and the Complaint Panel members at least 5 working days before the Complaint Panel Hearing is due to take place confirming the date and time.

Witnesses

9.7. The Complainant may seek to rely on the accounts of witnesses, which are relevant to the complaint. The Complainant should ask each witness to write down their account in a signed and dated statement and send it to the school at least three working days before the Complaint Panel Hearing is due to take place.

The Governors in the complaints panel may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was investigation (rather than simply disagreeing with the outcome of the complaint). Such witnesses should, if they have not already done so, provide a signed and dated statement of their account and provide it to the Chair at least three working days before the Complaint Panel Hearing is due to take place.

9.8. The Complaint Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the Complainant or the school respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.

9.9 All witnesses, whether they are for the Complainant or the school, will not be allowed to sit in on any part of the Complaint Panel Hearing except when they are giving their own verbal account or answering questions, upon conclusion of which they will be required to leave the room.

Documents

9.10. The Clerk will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the Complainant, the school's representative and each Complaint Panel member at least two working days before the Complaint Panel Hearing is due to take place.

Attendance at the Hearing

9.11 The Complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaint Panel Hearing. The friend or relative will attend for moral support only and will not play any part in the Complaint Panel Hearing, unless invited to do so by the Complaint Panel if it appears to them that it will improve the quality of the Complainant's representations. The Complaint Panel Hearing is not a legal hearing and it is therefore not appropriate for either the Complainant or the Trust to be legally represented.

The Clerk to the Complaint Panel

9.12. The Chair to the Complaint Panel will ensure that a clerk has been appointed in order to keep a written record of the proceedings. The Chair to the Complaint Panel will usually be the Chair to the board of Governors, however another suitable person may be appointed to this role if the Clerk to the Board is not available.

9.13 The Complaint Panel Hearing will proceed as follows:

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

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

The school's representative will be invited to ask the Complainant questions, if any;

The Complaint Panel will ask the Complainant questions, if any;

The Complainant's relevant first witness will be invited into the room to give an account of what they saw or know;

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

The Complaint Panel will ask the Complainant's witness questions, if any;

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

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

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

The Complainant will be invited to ask the school's representative questions, if any;

The Complaint Panel will ask the Trust's representative questions, if any;

The school's relevant first witness will be invited into the room to give an account or what they saw or know;

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

The Complaint Panel will ask the school's witness questions, if any;

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

If the school has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;

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

The school's representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance; The Complaint Panel Hearing will conclude and the Complainant and the school's representative will be asked to leave.

The Complaint Panel's Decision

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

Findings of Fact

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not).

If a fact is not deemed relevant, the Complaint Panel will not consider it further.

The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with reasons.

Recommendations

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

Notification of the Complaint Panel's Decision

9.15. The Clerk to the Complaint Panel will write within 10 working days of the Complaint Panel Hearing to the:

- Complainant;
- The school's representative;
- Any person complained about;

The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Local Authority for consideration.

9.16. The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the school's premises for inspection by the Governors and Local Authority.

10 Who to appeal to next

10.1 If the complaint is not resolved, a parent may make representation to the LEA. Further information about this process is available from the school or from the LEA. A further meeting is chaired by an independent person, who considers all the evidence and makes a further judgement in an attempt to resolve the complaint.

10.2 If any parent is still not content that the complaint has been dealt with properly, then s/he is entitled to appeal to the Secretary of State for Education.

11 Administrative Matters

Records

11.1. The school will keep a central record of all concerns and complaints received, whether they were dealt with informally or formally.

Confidentiality

11.2. The school will keep all correspondence, statements and records relating to individual complaints confidential, except where the Local Education Authority or the Secretary of State or a body authorised to conduct a school inspection requests access to them.

Publication

11.3. This Complaints Policy will be reviewed annually and published on the school's web site, as well as being made available to pupils, parents and other individuals or organisations on request.

Policy Agreed: 25th September 2018

Signed Head teacher:

Signed: Chair of Governors:

Policy to be reviewed in Autumn 2019

Annex B - An example of a complaints procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the head teacher, the complaints co-ordinator can refer the complainant to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Head teacher

The head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint

was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by Governing Bodies Complaints Appeal Panel

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The Remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the 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.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that

it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

c. 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 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.

d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

e. The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

The Department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

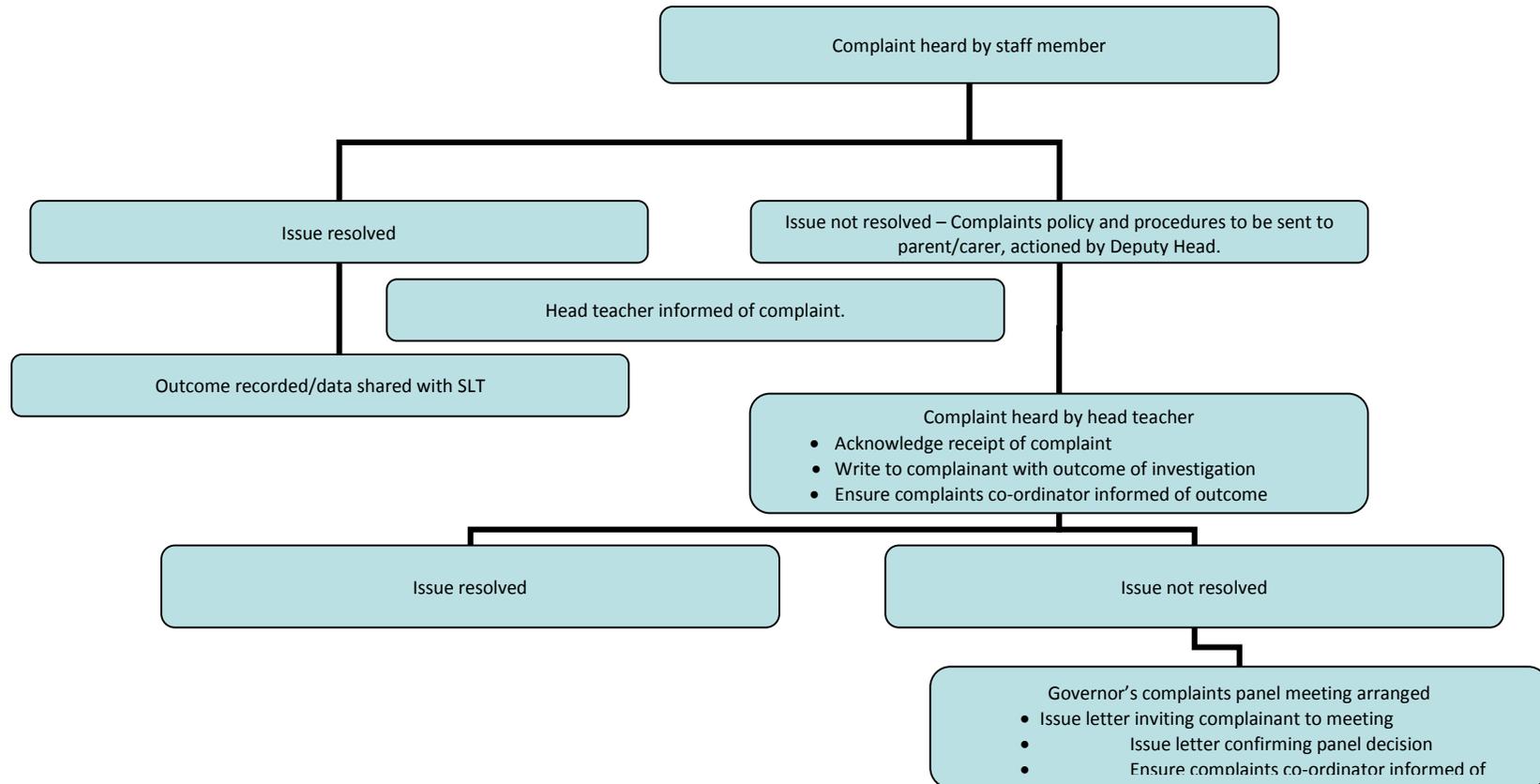
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Summary of Dealing with Complaints

Annex C - Flowchart



Annex D - Example of a complaint form

Please complete and return to(complaints co-ordinator) 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 who:

Complaint referred to:

Date: