



1839 + Bures School

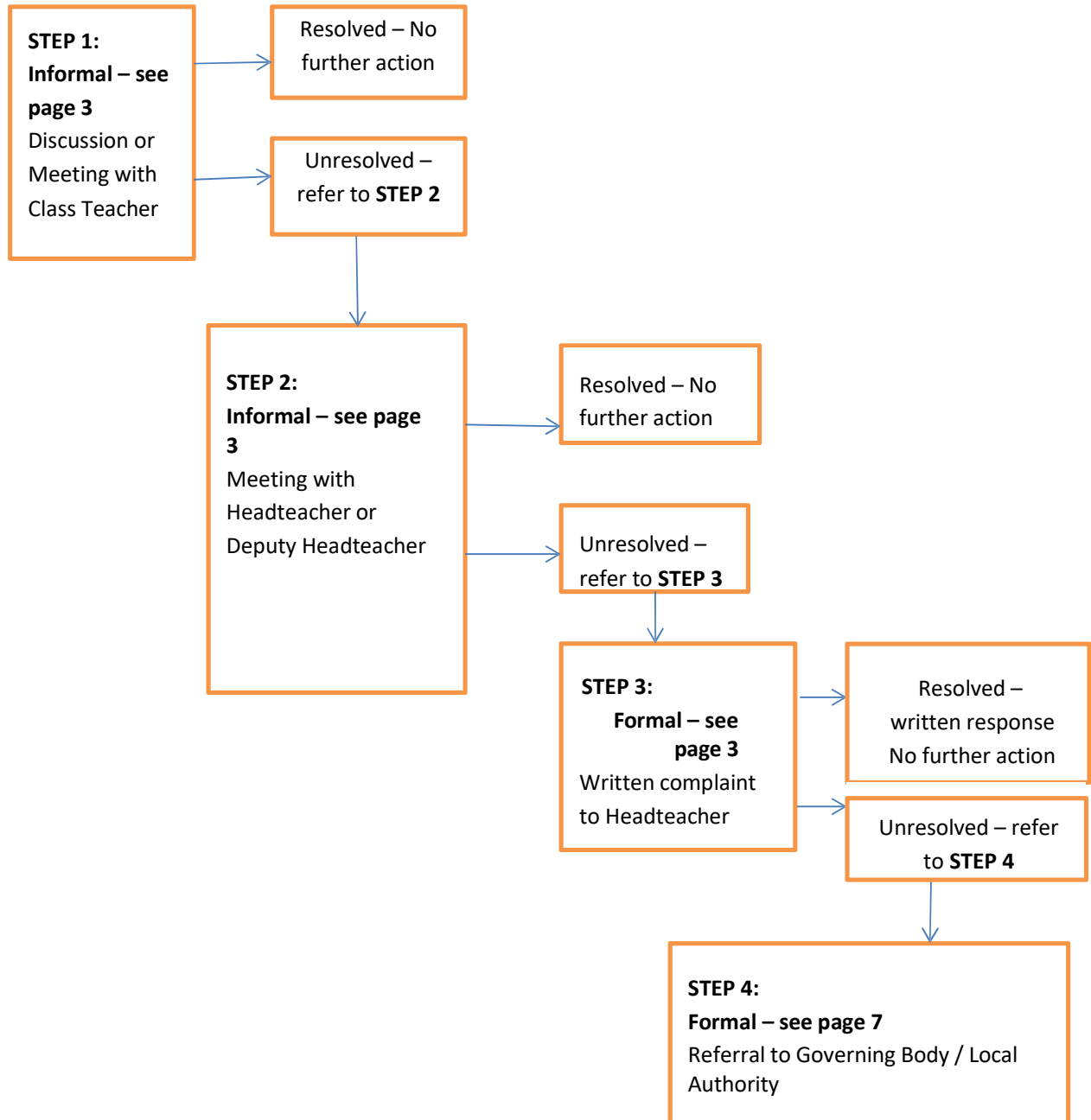
Concerns and Complaints Policy

| | |
|--------------------------|--------------------------------|
| Prepared by: | Michaela Harris Headteacher |
| Approved by: | Full Governing Body |
| Status and review cycle: | Every 3 years |
| Date approved: | Autumn 2023 |
| Review date: | Autumn 2026 |

Introduction

Bures CEVC Primary School Governing Body have agreed and adopted this policy as part of their on-going commitment in ensuring excellence and best practice is employed throughout the school. A helpful guide to roles and responsibilities is provided below in Appendix 3.

Flowchart of procedure for handling concerns and complaints:



At Bures CEVC Primary School we are committed to providing the best education for our young people and want our pupils to be healthy, happy and safe and to do the very best they can academically. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

School Governing Bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with concerns and complaints. It is expected that all concerns and complaints will be referred to the School in the first instance. In situations where it has not been possible to settle a complaint through this process the Local Authority may be able to advise parents/carers and the School in order to help resolve difficulties, but will not be able to become involved if the steps set out below have not been followed.

Who can make a complaint?

This procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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 may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this procedure. Bures Primary School takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. If this is the case, we suggest you consider moving to Step 2. We understand however, that there are occasions when people would like to raise their concerns formally. If this is the case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation. Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a formal stage of this procedure.

STEP 1: Informal

Please start by telling the class teacher about your concern. This is usually the best and quickest way of resolving issues.

- It is recommended that you make an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations and it may not be possible to offer an appointment straight away.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is good practice for the class teacher to make a brief written record of the concern raised and any actions agreed.

STEP 2: Informal

If you feel dissatisfied with the outcome of discussions with the class teacher, please ask for an appointment to meet with the Headteacher or, if unavailable, the Deputy Headteacher or a member of the Senior Leadership Team.

- The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the class teacher so far and any actions arising from the initial meeting
- It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly. However, it may be that the Headteacher or leadership team member will need to look into what has happened since the initial meeting before they can suggest how your concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact you to let you know the outcome of their enquiries and what actions they have taken/propose to take.
- It is good practice for the Headteacher or leadership team member to make a brief written record of the concern discussed and what has been agreed and if appropriate, to write to parents summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process.

STEP 3: Formal - complaint letter to the Headteacher

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further, you may raise it through the formal procedure. To do this you must write a formal letter of complaint to the Headteacher (*you may use the form attached as Appendix 1, page 7*). Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking. If you require help in completing the form, please contact the School Office. You can also ask third party organisations like the Citizens Advice to help you.

- Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiating an agreement as to how this can best be achieved.
- The Headteacher will consider the complaint and in doing so should:
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;
 - meet or contact you if they need further information;
 - clarify what you feel would put things right if this has not been set out in your letter;
 - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
 - conduct any interview with an open mind and be prepared to persist in the questioning;
 - keep notes of any interview for the record.
- The Headteacher will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
 - an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better (n.b. this is not an admission of negligence);
 - an assurance that the event complained of will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
 - an undertaking to review policies in light of the complaint.
- It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.
- The Headteacher will discuss the outcome of their consideration of your complaint with you and should send a detailed written response within 20 school days. Where this proves unrealistic you will be informed in writing and given an estimate of how long it will take to provide a detailed response. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bures Primary School will take to resolve the complaint.

Concerns or complaints specifically about the Headteacher or Governors

Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. If you feel that the complaint has not been resolved you should move to Step 4 of this procedure.

If you have a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then you must write a formal letter of complaint to the Chair of

Governors. The School will provide you with the Chair of Governors' name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

- The Chair of Governors should acknowledge receipt of the letter within 5 school days and contact the Area Officer, Learning and Improvement at the Local Authority for advice.

Complaints against the Chair of Governors or any individual Governor or the whole Governing Body should be made by writing to the Clerk to the Governing Body. The School will provide you with the Clerk's name and you should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

- The Clerk should acknowledge receipt of the letter within 5 school days and contact the Area Officer, Learning and Improvement at the Local Authority for advice.

Time-limits, exclusions and vexatious complaints

Time limits:

Complaints need to be considered and resolved as quickly and efficiently as possible and as soon as possible after any incident arises. As such, complaints made under this procedure should only relate to incidents or concerns occurring within the last 3 months, unless circumstances require an exception to this timescale. Your complaint will not usually be able to be considered if your child no longer goes to Bures Primary School. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Exclusions to the policy:

This procedure covers all complaints about any provision of community facilities or services by Bures Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|--|
| <ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with: Admissions: 0345 600 0981 Head of SEND: 01473 260753 Sendias: 01473 265210 Head of organisational support: 01473 260753 |
| <ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). |

| | |
|---|--|
| | LADO: 0300 123 2044 |
| <ul style="list-style-type: none"> Exclusion of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please see school website for Behaviour Policy</i></p> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
| <ul style="list-style-type: none"> National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Bures Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Vexatious complaints:

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- despite all stages of the procedure having been followed, the complainant remains dissatisfied.

- If a complainant tries to reopen the same issue the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed.
 - complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with Appendix 2 of this procedure (page 9).
-

STEP 4: Complaints unresolved through the formal procedure thus far

If the complainant is dissatisfied with the outcome at Step 3 and wishes to take the matter further, they can escalate the complaint to Step 4– a meeting with members of the Governing Body’s Hearings Committee, which will be formed of the first three, impartial, Governors available. This is the final stage of the complaints procedure.

A request to escalate to Step 4 must be made to the Clerk, via the School Office, within 10 school days of receipt of the Step 3 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Step 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.

The Hearings Committee will consist of at least three Governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Hearings Committee. If there are fewer than three governors from Bures Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA’s Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Step 4.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. *Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that,

if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 4 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Steps 1 or 2 of this procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the committee will provide the complainant and Bures Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Local Authority and Department for Education if they are dissatisfied with the way their complaint has been handled.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Step 4 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Bures Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the School did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Local Authority and /or the Department for Education after they have completed Step 4.

The Local Authority has no legal right or duty to deal with most complaints about schools but will provide advice to the complainant and Governing Body in the event that a complaint which has been considered under the formal procedure remains unresolved or if the complaint is specifically about the Headteacher.

You will need to write to the Local Authority giving the details of your complaint, what action you have already taken to try and resolve your complaint and attaching a copy of the written response from the School.

- The Local Authority will contact you to confirm the details of your complaint and seek further information where necessary.
- Initial consideration will be given to the circumstances of the complaint and the procedure followed by the School.
- The Local Authority will come to a recommendation – **either**:
 - that a thorough investigation has been fairly undertaken by the School and that an appropriate response has been made in accordance with the findings; **or**
 - that the complaint merits further investigation (it will be referred back to the School in this case) which will be held under the auspices of the Appeals Committee.
- The Local Authority will notify you in writing of the recommendation and what will happen next.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Bures Primary School. They will consider whether Bures Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

Equality Act 2010

It is common practice to ask for formal complaints to be made by using a complaint form (see Appendix 1) or in writing, however, where the complainant has communication preferences due to disability or learning difficulties the school will allow alternative method of contact, such as, recorded meetings or telephone calls.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Reviewing the policy

The school will review this policy every three years or where changes in law take place or new guidance is published.

COMPLAINT FORM- STEP 3, FORMAL COMPLAINT

Please complete and return to the Headteacher 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:

**POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS
COMPLAINTS / HARASSMENT IN SCHOOLS**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the **School's Concerns and Complaints Policy**. The majority of concerns and complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

1. AIMS OF POLICY

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including Governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

2. HUMAN RIGHTS

2.1 In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. PARENTS' EXPECTATIONS OF THE SCHOOL:

3.1 Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

- a) regularly communicate in writing:
 - (i) how and when problems can be raised with the School,
 - (ii) the existence of the School's complaints procedure, and
 - (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- b) respond within a reasonable time
- c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the School and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- f) keep complainants informed of progress towards a resolution of the issues raised.

4. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

4.1 The School can expect parents/carers/members of the public who wish to raise problems with the School to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the School
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the School's Complaints Procedure

5. WHO IS A PERSISTENT COMPLAINANT?

5.1 For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

5.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

6.1 In the first instance the School will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

6.2 This will be confirmed in writing.

6.3 If the behaviour is not modified the School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) inform the complainant in writing that his/her behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
- d) (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. (Advice is available from the Area Education Manager)
- e) consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation

6.4 Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

6.5 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority.

7. REVIEW

7.1 The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

7.2 The school will review this policy every three years or where changes in law take place or new guidance is published.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the School in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

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

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all

- parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the School are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.
- Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.