COMPLAINTS POLICY AND PROCEDURE

Flanshaw JIN School

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school / academy. Any person, including members of the public, may make a complaint to Flanshaw

JIN 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*'.

If anyone working in the school or college that provides education for children under 18, including supply teachers and volunteers has;

- Behaved in a way that has harmed a child or may have harmed a child,
- Possibly committed a criminal offence against or relating to a child,
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children or
- Behaved or may have behaved in a way that indicated they may not be suitable to work with children.

Then this is a safeguarding allegation rather than a complaint and must be reported to the LADO Local Authority Designated Officer within one working day and part 4 of Keeping Children Safe in Education must be followed.

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 the complaints procedure. Flanshaw JIN School takes concerns 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. In these cases, the Head Teacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Flanshaw JIN School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

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 on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

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 Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the head Teacher via the school / academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Mrs R Haley (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

Complaints from staff must be dealt with under the school internal grievance procedures.

For ease of use, a template complaint form is included at the end of this procedure. 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.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school / academy day after the holiday period.

Scope of this Complaints Procedure

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

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school / academy re-

• School re-organisation proposals	organisation proposals should be raised with <insert local authority details>
• 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).
• Exclusion of children from school / academy*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school / academy-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school / academy's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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. Volunteer staff who have concerns about our school / academy should complain through the school / academy'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.
• Staff grievances	Complaints from staff will be dealt with under the school / academy's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school / academy's internal disciplinary procedures, if appropriate. 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.

• Complaints about services provided by other providers who may use school / academy premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
• Managing allegations against staff	Please contact the LADO (Local Authority Designated Officer)
• Safeguarding concerns about a child	Please contact the MASH team (Multi-Agency Safeguarding Hub)

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 Flanshaw JIN 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.

Resolving complaints

At each stage in the procedure, Flanshaw JIN School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school / academy policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school / academy office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school / academy's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school / academy days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 Flanshaw JIN School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints 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 Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 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 3 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 10 school days of receipt of the Stage 2 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 complaints 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 Complaints Committee. If there are fewer than three governors from Flanshaw JIN School available, the Clerk will source any additional, independent governors through another local school / academy 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 Stage 2.

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 / academy 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 5 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 3 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 Stage 1 of the 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 / academy's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Flanshaw JIN School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Flanshaw JIN School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 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 Flanshaw JIN 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 Department for Education or after they have completed Stage 2.

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

Maintained Schools:
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
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Complaint Form

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

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the school / academy about it.

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:

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 / academy 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.

  The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

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 / academy 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; stage 1 paperwork, school / academy 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 / academy 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 (and complaints co-ordinator, if the school / academy has one).

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 / academy 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.

PART 4: Model Literature

1. Model Text / Information for a 'How to Complain' leaflet

Suggestions for the text of a leaflet, to be modified to fit your particular school/academy and publicised.

Concerns and Complaint about Schools / Academies

If you have a concern or complaint
We would like you to tell us about it. We welcome suggestions for improving our work in the school/academy. Be assured that no matter what you want to tell us, our support and respect for you and your child in the school/academy will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first:
[*For Primary Schools*: Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher.]
[*For Secondary Schools:* Most concerns and complaints can be sorted out quickly by speaking with your child's form tutor or head of year.]

Any member of staff at the school / academy can help you and direct you to the most appropriate person to deal with your concern / complaint. If you feel you have a complaint which you feel should be looked at by the headteacher/principal in the first instance you can make contact if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this and you can make one by ringing or emailing the school/academy. You can take a friend or relative to the appointment if you feel you would like to do so.

All staff will make every effort to resolve your issue informally. They will make sure you understand what you feel went wrong, explain their actions to you and ask what resolution you require to put things right. This does not mean that in every case the resolution will be as you wish but it will help both you and the school/academy to understand both sides and possibly help to prevent a similar problem arising again.

What to do next:
If you are dissatisfied with the teacher's response (or with the headteacher/principal's initial reaction if already involved), you may wish to make a formal complaint to the headteacher/principal. This should be made in writing using the form provided in the School/Academy Complaints Policy and Procedure. A copy of this is available on the school/academy's website.

If your complaint is about an action of the headteacher/principal personally, then you should refer your complaint to the Chair of the Governing Body; contact details can be obtained from the school office or website.

The headteacher/principal will ask to meet you for a discussion of the problem and try to resolve the matter informally. Again, you may take a friend or relative to support if you wish. If we are unable to resolve informally, the headteacher/principal (or suitable representative) will conduct a full investigation of the complaint and may interview members of staff or pupils involved. You will receive a written response to your complaint.

Most problems can be resolved by the end of this stage.

If your complaint has not been resolved:
If you are still not satisfied, you may wish to contact the Chair of the Governing Body to ask for a referral of your complaint to a panel of the governing body. The complaint will be heard by a panel of governors who have no previous knowledge of the issue and who will be able to provide fresh assessment. You will then be invited to attend and speak to the panel which the headteacher/principal will also attend. The Complaints Policy and Procedure explains how these meetings operate.

Further action:
Complaints about the school/academy problems are almost always settled within the school/academy but in exceptional cases it may be possible to refer the problem to an outside body such as the Secretary of State for Education. The Department of Education will expect the complaint to have been considered by the school governors first. Complaints about academies are handled by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State for Education. There is more detail in the full Complaint Policy and Procedure, on the school's website or via the Department for Education website at www.education.gov.uk/help/contactus.

The school/academy's Complaint Policy and Procedures can be found at www.flanshawjin.co.uk

2. Sample outcome of meeting regarding informal discussion

Dear xxx,

Thank you for meeting with me on xxx, to discuss your concerns regarding xxxxx

Option A): ----------
I am pleased that we reached a positive outcome and you are assured that the matter has/will be addressed. We are always grateful for feedback, as this enables us to improve our school/academy and provide a better education service for our pupils and to our community.

The complaint has now been concluded. However, should you have any concerns in the future, please do not hesitate to get back in touch.

Option B): ----------
It is unfortunate that we were unable to resolve your concerns at our meeting on xxxxxx. As discussed, this matter is now being dealt with formally.

The complaint(s), as noted on your complaint form, will be investigated.

Option B1: As agreed, we will meet on xxxx [within … School days of complaint notice] to discuss the outcome of the investigation. There may be the possibility of an earlier meeting, if the investigation is concluded sooner.

Option B2: As discussed I will notify you of the investigation, in writing, within …school days. (this option removes the possibility for discussion that might lead to resolution, if appropriate).

In the meantime, if you have any queries regarding this process, please do contact me. I have enclosed a copy of our complaints policy and procedures (if not already given).

Yours sincerely,

Headteacher/Principal

Or Chair of Governing Board

3. Outcome of Investigation Letter (assuming a meeting has taken place, if agreed as per above)

Dear xxx

Further to my letter of xxx, I am pleased to confirm that the investigation has been concluded.

The outcome of the investigation in relation to your complaint(s) is as follows:

Complaint 1: [Description] was upheld/dismissed. [if dismissed, why/if upheld, what is the schools response / what action will be taken] etc…
Complaint 2: [Description] was upheld/dismissed. [if dismissed, why/if upheld, what is the schools response / what action will be taken] etc…

I am satisfied that the matter has been investigated thoroughly and that outcome(s) is appropriate. I hope you will be reassured that this matter has been taken seriously and that your complaint has been thoroughly investigated. However, if you are still dissatisfied, you may ask for your complaint to be reviewed by a panel of governors, which you will be invited to attend.

The panel has the remit to review: how the complaint was handled, the suitability of the investigation undertaken and whether the outcome(s) was appropriate. This stage does not involve a reinvestigation of the complaint. The scope of the review is to consider only the original complaint.

If you would like to request a review by the Governing Board, you must inform me, in writing within … school days, otherwise the case will be closed. You must also explain why you remain dissatisfied with the outcome of your complaint.

Yours sincerely,

Headteacher/Principal

Or Chair of Governing Board

4. Typical Agenda for reviewing complaints

A: Introductions and confirmation of process

1. Welcome
2. Apologies
3. Consider declaration of interests
4. To confirm the order of the procedure and process and roles of individuals

B: Presentation of complainant's case

5. Presentation of information by the complainant (including witnesses)
6. Questions on matters of fact by others
7. Questions on matters of fact by the review panel

C: Presentation of Information by the Headteacher / Principal / Governor

8. Presentation of information by the headteacher/principal/chair of governors (including witnesses and investigator)
9. Questions on matters of fact by others
10. Questions on matters of fact by the review panel

D: Summing up

11. Summing up by the headteacher / principal /chair of governors
12. Summing up by the complainant

E: Decision making

13. Everyone except the panel members and the clerk will withdraw. The panel will decide on the outcome and a record of the reasons for the decision will be taken.

5. Checklist of Actions for a Stage Four Complaint

Complaint from …… Date ……

Upon receipt of a Stage Four Complaint Form:

Tasks	**Person responsible**	**Date completed**
Clarify whether the complaint has exhausted the earlier stages of the Complaints Procedure.	Chair of Governors	
Acknowledge receipt of the Stage Four complaint Form within 5 school days.	School	
Inform the Headteacher that a Stage Four complaint has been received.	Chair of Governors	
Arrange a Panel of Governors that are able to consider the case impartially and to be perceived as such by all parties. Governors with prior knowledge of the case must not be on the Panel. Governors employed at the school should also not be on the Panel.	Chair of Governors	
Determine whether an initial meeting is required to prepare for the hearing and, if so, set a date for this.	Chair of the Panel	

Preparing for the hearing:

Tasks	**Person responsible**	**Date completed**
Notify the complainant, the Headteacher and any witnesses invited to the meeting of the date of the hearing. The complainant, the Headteacher and any witnesses (including any members of staff) should be given the right to be accompanied by a friend or representative. **N.B. :** • **No child may be requested to attend without written parental permission.** • **The Committee cannot insist on anyone attending a hearing except for the Headteacher**. • **Complainants cannot insist that a witness attends.**	Chair of the Panel	
Write to any member of staff named in the complaint to offer them an opportunity to attend the hearing. They may be accompanied by a friend or representative. You may not wish to use them as a witness but they have a right to attend if they wish.	Chair of the Panel	
Ensure there is an appropriate meeting room to conduct the hearing.	Chair of the Panel	
Ensure there are appropriate areas where complainants, the Headteacher and any witnesses will wait.	Chair of the Panel	
Organise someone to take notes and draft minutes.	Chair of the Panel	
Prepare questions the Panel needs to ask.	Chair of the Panel	
Agree format of the meeting.	The Panel.	

At the Complaints Panel's first meeting:

Tasks	**Person responsible**	**Date completed**
Make sure you understand the nature of the complaint.	Chair of the Panel	
Decide what facts you need to establish.	Chair of the Panel	
Decide what evidence you need to establish the facts, e.g., you may wish to invite a witness to the complaint hearing or to ask him/her to write a signed statement. Identify who can be asked to provide that documentation.	Chair of the Panel	
Decide the date of the complaint hearing. The date should be as soon as possible, consistent with giving time for the necessary evidence to be collected.	Chair of the Panel	

When the Panel has reached its conclusions:

Tasks	**Person responsible**	**Date completed**
Write with the Panel's conclusions to the complainants. Send copies of the letter to: • the Headteacher; • any staff involved in the complaint.	Chair of the Panel	
Arrange for the minutes of the hearing to be shared, on a confidential basis, with the Panel, Headteacher and complainants.	Chair of the Panel	
Arrange for the Clerk/Minute Taker to produce a written report to the Governing Body. In view of the sensitivity of complaints issues, reports of Complaints hearings should be as brief as possible. They should make clear: • the nature of the complaint; • the decisions of the Panel; • any recommendations of the Panel to the Governing Body.	Chair of the Panel	