

# 2019 -2021

Potential in Everyone Academy Trust  
CEO – David Whitehead



## Complaints Policy

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|------------------------|---|
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| Associated Documentation  |  |
|---|--|
| Potential Trust Parental and Visitors Unacceptable Behaviour Policy |  |
| Safeguarding Policy   |  |
|   |  |
|   |  |

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# Part A – Policy

## 1. Aims and Overview

At the heart of our Trust is an unequivocal commitment to our key moral purpose of ensuring every child meets their full potential through positively promoting Christian and British values. Our aim across the Trust is to promote forgiveness and compassion when dealing with conflict we will instil these values at all times when using this policy.

We believe that by promoting a supportive and collaborative environment within all of our schools we can engage with parents/carers by making our schools accessible, warm, unthreatening environments which will promote positive relationships.

Our schools aim to be fair, open and honest when dealing with any complaint. We consider carefully all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases; we put the interests and wellbeing of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

If any person is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child's class teacher immediately in the first instance.

The Trust will ensure that every complaint dealt with provides a learning process for the Trust and its schools.

If the situation is not resolved the parents/carers are encouraged to take their complaint to the next level which would be a Senior Teacher / Year Group leader / Deputy Head.

Where any party feels that a situation has not been resolved through the route outlined above, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Headteacher. The Headteacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are normally resolved at this stage.

Complainants have the right to take any complaint to the Local Monitoring Council if the complaint has not been resolved at the initial formal stage of the process.

If the complaint is against the Headteacher or if the Headteacher has been closely involved in the issue, a member of the Trust's Senior Leadership Team, appointed by the CEO of the Trust, will be allocated to carry out all the Stage 1 procedures. *(This is likely to be a Headteacher of a school within the Trust and referred to as the 'Investigating Officer')*. Parents/carers should address their letter of complaint to the Chief Executive Officer.

All complainants have the right, as a last resort, to appeal to the Local Government Ombudsman if they still feel that their complaint has not been properly addressed.

## 2. How to raise concerns or to make a complaint about the school

**Please note:** The Trust expects all employees to behave professionally at all times. Similarly, the Trust expects complaints from parents/carers to be communicated in a courteous, polite and respectful manner.

In a very small number of cases where this does not happen, The Trust's 'Policy on dealing with unacceptable behaviour from parents/carers and visitors' will be enforced. Where a complaint is raised in an unacceptable manner, the complaint will not be recognised or dealt with through the procedure outlined below.

### **If you have a concern or complaint**

We would like you to tell us about it. We welcome suggestions for improving our work in our schools. Be assured that no matter what the problem is, our support and respect for you and your child in school 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 that happened some time ago.

### **What to do first**

Most concerns and complaints can be sorted out quickly and effectively by speaking with your child's Class Teacher. We would encourage all parents/carers to speak with their child's teacher in the first instance.

If you have a concern or complaint that you feel cannot be resolved by the Class Teacher you must request an appointment with a senior member of staff, i.e. Deputy Headteacher / Senior Teacher / Year Group Leader.

If you still feel the issue remains unresolved at this stage, then you can contact the Headteacher. You can easily make

an appointment by ringing or calling into the school office. We will do our best to arrange an appointment within **two working days**. You are welcome to take a friend or relation to the appointment if you would like to.

### **Actions you can expect as a result of your complaint**

At each stage in the procedure we will strive to find ways in which a complaint can be satisfactorily resolved. Please note, staff disciplinary matters will not be discussed.

Such actions may include:

- an acknowledgement that the complaint is valid in whole or in part.

In addition, the school will offer one or more of the followings:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- 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 Trust policies in light of the complaint.

*NB/ An admission that the school could have handled the situation better is not an admission of negligence.*

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Complainants are welcome to state what actions they feel will resolve the problem at any stage.

Of course, this does not mean that in every case the staff will agree with your point of view, but it will help both you and the school to understand both sides of the complaint. It will also help to prevent a similar problem arising again.

## **3. What to do next**

If you are dissatisfied with the initial response, or if you do not want to discuss the matter informally, you can make a complaint to the Headteacher. This will need to be in writing, there is a form at the end of this document to help facilitate this (Appendix A).

## **4. If you are still unhappy**

The problem will normally be resolved at this stage. However, if you are still not satisfied you can contact the Chair of the Local Governing Board who will appoint an independent investigation officer who will investigate your complaint. (Appendix B)

If you are unhappy with the Chair's response then you can write to the clerk of Governors to ask for a referral of your complaint to a Governors' Complaints Panel. It will then be heard by a group of three governors who have no previous knowledge of the problem and so will be given a fresh assessment. You will be invited to attend and speak to the panel at a meeting. The Complaints Procedure sets out in more detail how these meetings operate

# **Part B – Complaints Process (Appendix B and C)**

## **5. Process for resolving complaints informally**

Parents/carers are always welcome to discuss any concerns with the appropriate member of staff, who will clarify with the parent the nature of the concern and reassure them that the school wants to work with them collaboratively to resolve the complaint. Parents/carers should be advised from the outset that there is a complaints procedure that they can use if the matter cannot be resolved.

The member of staff will explain to the parent/carer how the situation happened. It can be helpful at this point to identify what sort of outcome the parent/carer is looking for.

If the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name and contact address or phone number of the parent/carer.

All members of staff will know how to refer, if necessary, to the person with responsibility for the issue raised by the parent/carer and ensure a response is made.

The member of staff dealing with the concern will make sure the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting it in writing if appropriate.

While it is often a helpful way to resolve problems more quickly, a parent/carer or pupil is not required to pursue informal ways to address complaints but has the right to make a formal complaint at any time.

If the matter is brought to the attention of the Headteacher they can decide to deal with the complaint rather than refer back to the class teacher.

## **6. Process for resolving complaints formally**

In order to investigate your complaint as fully as possible the Local Governing Board has a staged process. Most issues are sorted out informally and we would recommend that you try this approach first. However, if you feel that your complaint has not been resolved satisfactorily you can make a formal complaint. You have the right to go straight to stage 1 of the complaint's procedure.

## **7. Confidentiality**

All correspondence, statements and records relating to individual complaints will be kept confidential (*exceptions to this is where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them*).

## **8. Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy.

## **9. Social Media**

In order for complaints to be resolved as quickly and fairly as possible, we ask that complainants do not raise concerns or discuss them publicly via social media. Complaints will be dealt with confidentially by the Trust and its constituent schools and we expect complainants to observe confidentiality also.

## **10. Complaints that result in staff capability or disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

## **11. Monitoring of Complaints Procedure**

Each Local Monitoring Council will monitor the management of the complaints procedure as detailed in this policy. The Local Monitoring Council will report outcomes to the Trust Board who will monitor trends and the resulting learning outcomes for the Trust.

## **12. Complaints Procedure Stage 1: Investigation by the Headteacher**

Complaints at this stage need to be recorded in writing. A complainant may wish to write in themselves. Complainants may also make their complaint verbally and can ask for assistance to put their complaint in writing.

The Headteacher will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Headteacher will provide an opportunity for the complainant to meet them to supplement any information provided previously or to record the complaint in writing if it has been made verbally. It will be made clear to the complainant that if s/he wishes s/he might be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary, the Headteacher will interview other parties and take statements from those involved. If a member of

staff is complained against, they must have the opportunity to present their case.

The Headteacher will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Headteacher will then produce a written response to the complainant, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be signposted to the Complaints Policy and advised that should s/he wish to take the complaint further s/he should notify the Chair of the Local Monitoring Council, in writing, within 10 working days of receiving the letter.

If the complaint is against the Headteacher or if the Headteacher has been previously closely involved in the issue, a member of the Trust's Senior Leadership Team, appointed by the CEO of the Trust, will be allocated to carry out all the Stage 1 procedures. (This is likely to be a Headteacher of a school within the Trust and referred to as the 'Investigating Officer'). Parents/carers should address their letter of complaint to the Chief Executive Officer.

Where a complaint concerns any Governor, Trust Director or Member, the complainant should notify in writing the Chair of Trust Board care of the Clerk to the Trust Board. Where a complaint concerns the Chair of the Trust Board this should be made in writing to the Clerk of the Trust Board. For Complaints against any Governor, Trust Director or member Body Appendix E should be followed

### **13. Complaints procedure Stage 2: Investigation/ Review by Investigating Officer.**

Complaints at this stage need to be recorded in writing. A complainant can write in themselves. Complainants can also make their complaint verbally and can ask for assistance to put their complaint in writing.

On receipt of the letter the Chair of the Local Monitoring Council in consultation with the CEO will appoint an investigating officer from the pool of Governors across the Trust. The investigating officer will be assisted by another Governor who will act as a note taker.

The Investigating Officer will acknowledge the complaint in writing within three working days of receiving the written complaint. The acknowledgement will give a brief

explanation of the school's complaints procedure and a target date for providing a response to the complaint. This should normally be within ten working days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target date. This will be within a maximum of 20 working days unless it is a particularly complex issue.

The Investigating Officer will request the complainant to meet them to supplement any information provided previously. It will be made clear to the complainant that if s/he wishes s/he can be accompanied to any meeting by a friend, relative, representative or advocate who can speak on his/her behalf or to provide support.

If necessary, the Investigating Officer will again interview other parties and take statements from those involved.

The Investigating Officer will keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established as far as possible, the Investigating Officer will then produce a written response to the complainant and Chair of the Local Monitoring Council, including a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. The complainant will be advised that should s/he want to take the complaint further s/he should notify the Chair of the Local Monitoring Council within 20 working days of receiving the letter.

Appendix D provides the standard template to be used in the written response.

### **14. Complaints procedure Stage 3: Review by the Local Monitoring Council Panel**

The Clerk of the Local Monitoring Council will write to the complainant to acknowledge receipt of the written request for the Local Monitoring Council to review the complaint within five working days. The acknowledgement will inform the complainant that three members selected from governors and directors across the Trust will hear the complaint within 20 working days of receiving the complaint. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the three members (at least five working days before the date of the panel hearing). One member of the panel will be independent of the management and running of the school.

A meeting of the Local Monitoring Council Complaints Panel will be convened.

Local Monitoring Council representatives with prior involvement in the complaint process will be prohibited from involvement in the Governor panel, including knowledge of the complainant and or family. Local Monitoring Council

representatives should bear in mind the advantages of having a parent/carer governor on the panel and will also be sensitive to issues of race and gender. The Investigating Officer will not sit on the Panel. An experienced Local Monitoring Council representative will chair the panel meeting.

The Chair of the Panel will ensure the Panel hears the complaint within twenty working days of receiving the letter. All relevant correspondence relating to the complaint will be given to each Panel member as soon as the composition of the panel is confirmed. If the correspondence is extensive, the Chair will prepare a thorough summary for sending to Panel members.

The Chair or clerk will write and inform the complainant, Investigating Officer, headteacher, any relevant witnesses and members of the Panel at least five working days in advance of the date, time and place of the meeting. The notification will also inform the complainant of his/her right to be accompanied to the meeting by a friend/advocate/interpreter and explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Panel.

The Investigating Officer will be invited to attend the Panel meeting and will be asked to prepare a written report for the Panel in response to the complaint. All attendees including the complainant will receive a set of the relevant documents including the Investigating Officer's report and the agenda, at least five working days prior to the meeting.

Submission of additional documents or requests for additional attendees will be at the discretion of the Chair of the panel. The panel will review the process followed in the investigation.

At the panel hearing:

- The complainant will have the opportunity to present their complaint.
- The Investigating Officer will explain the school's position.
- Those present will have the opportunity to ask questions.
- Panel members will have the opportunity to ask questions of the complainant and the Investigating Officer.
- The Investigating Officer will be given the opportunity to make a final statement to the panel.
- The complainant will be given the opportunity to make a final statement
- to the panel. The Chair will then ask the complainant if he or she feels they have had a fair hearing.

The Chair of the Panel has responsibility to ensure that the meeting is properly minuted.

The Chair of the Panel will explain to the complainant and Investigating Officer that the Panel will consider its decision and that a written decision will be sent to both parties within 15 working days. The complainant, Investigating Officer, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint;
- and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

A written statement clearly setting out the decision of the Panel must be sent to the complainant and Investigating Officer. The letter to the complainant should also advise how to take the complaint further should they remain dissatisfied.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from the pupil's personal records.

## **15. Complaints procedure Stage 4: The Education Funding Agency**

If a complainant wishes to go beyond the Governors' complaints panel, they should be advised to contact the Education Funding Agency. More information is available at <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

## **16. Policy for unreasonable complainants**

Our Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Trust or constituent school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour,

including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

**Examples: A complaint may be regarded as unreasonable when the person making the complaint:**

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaint's procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into their complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-**

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Monitoring Council will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from school premises.

## **17. Barring from the School Premises**

Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's/ carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. Schools should always give the parent/carer the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, considering any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

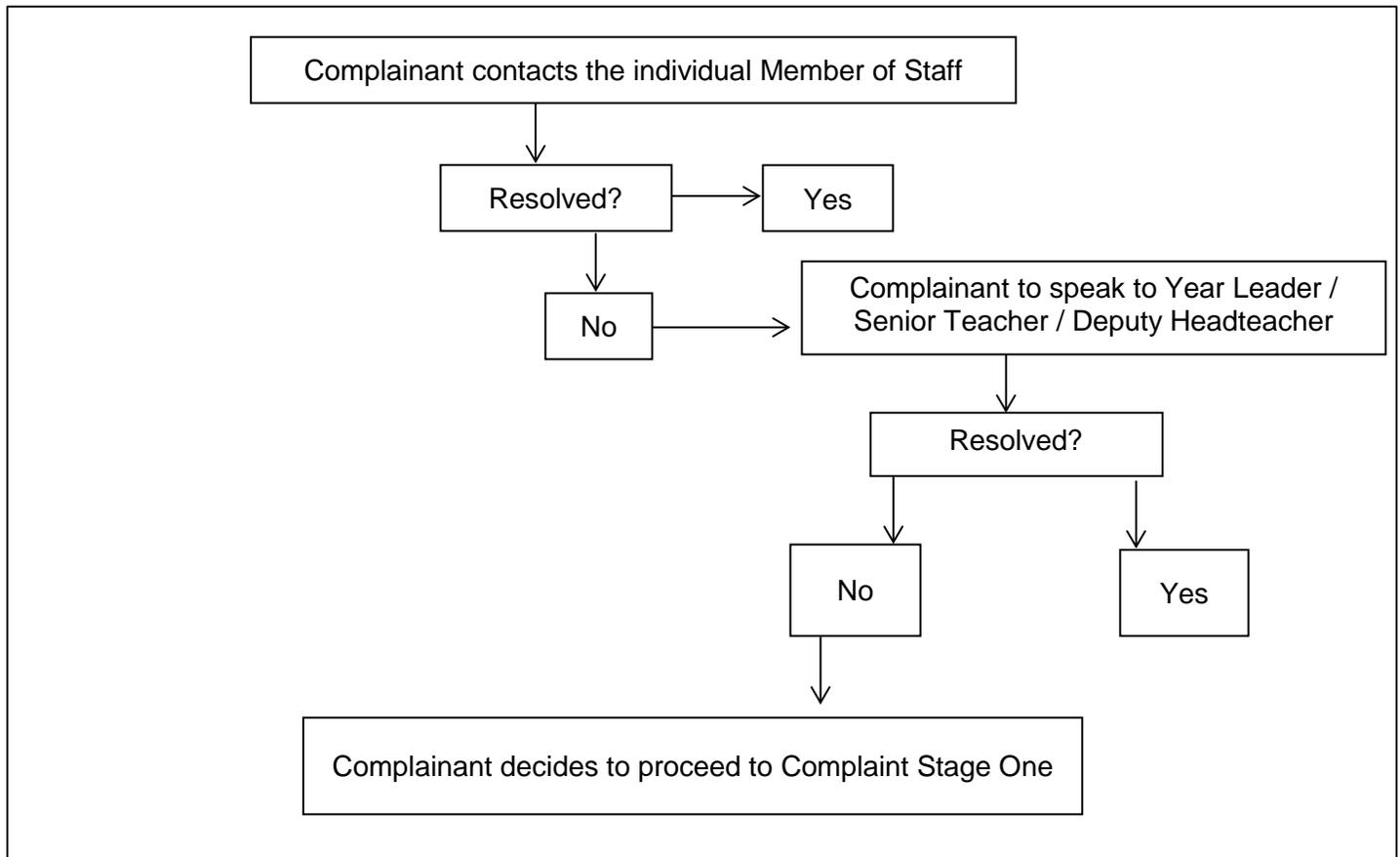
Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Local Monitoring Council. However, complaints about barring cannot be escalated to the Department for Education. Once the Trust's complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Appendix A: Complaints form

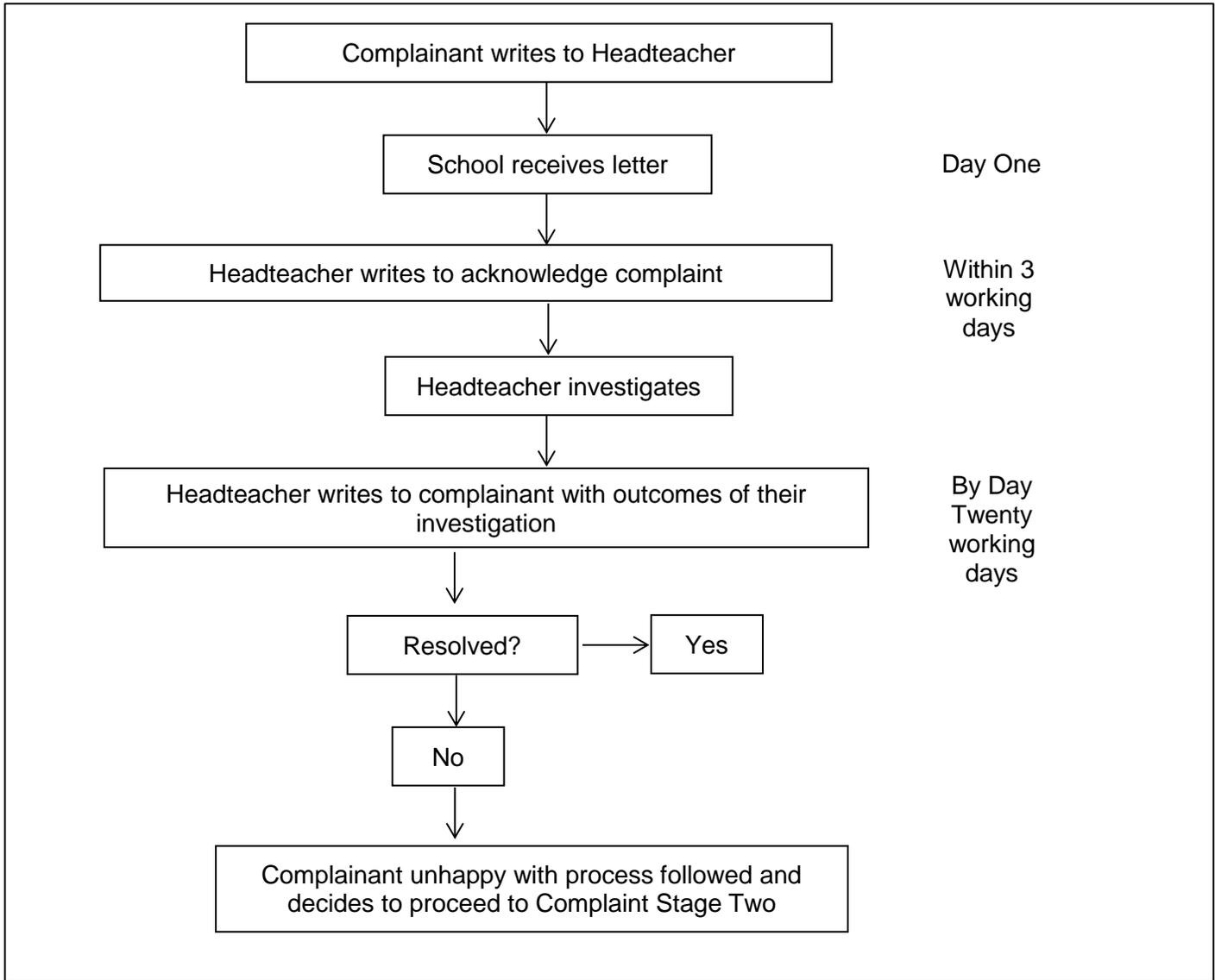
|   |         |
|---|---------|
| <p>Please complete and return to the headteacher of the school if the complaint is against a member of staff, or to the CEO of the Trust, if the complaint is against the headteacher. Receipt of your letter will be acknowledged together with an explanation of what action will be taken.</p> |         |
| Your Name   |         |
| Pupil's Name  |         |
| Your relationship to the Pupil  |         |
| Address   |         |
| Postcode  |         |
| Daytime Tel Number  |         |
| Evening Tel Number  |         |
| Please give details of your complaint here  |         |
| What actions, if any have you taken to try and resolve your complaint   |         |
| What actions do you feel might resolve the problem?   |         |
| Are you attaching any paperwork?  |         |
| Signature   |         |
| Date  |         |
| <b>For Office Use only</b>  |         |
| Date acknowledgement sent   | By Whom |
| Complaint referred to:  | Date:   |

# Appendix B: Model Complaints Procedure for Schools – Flowchart

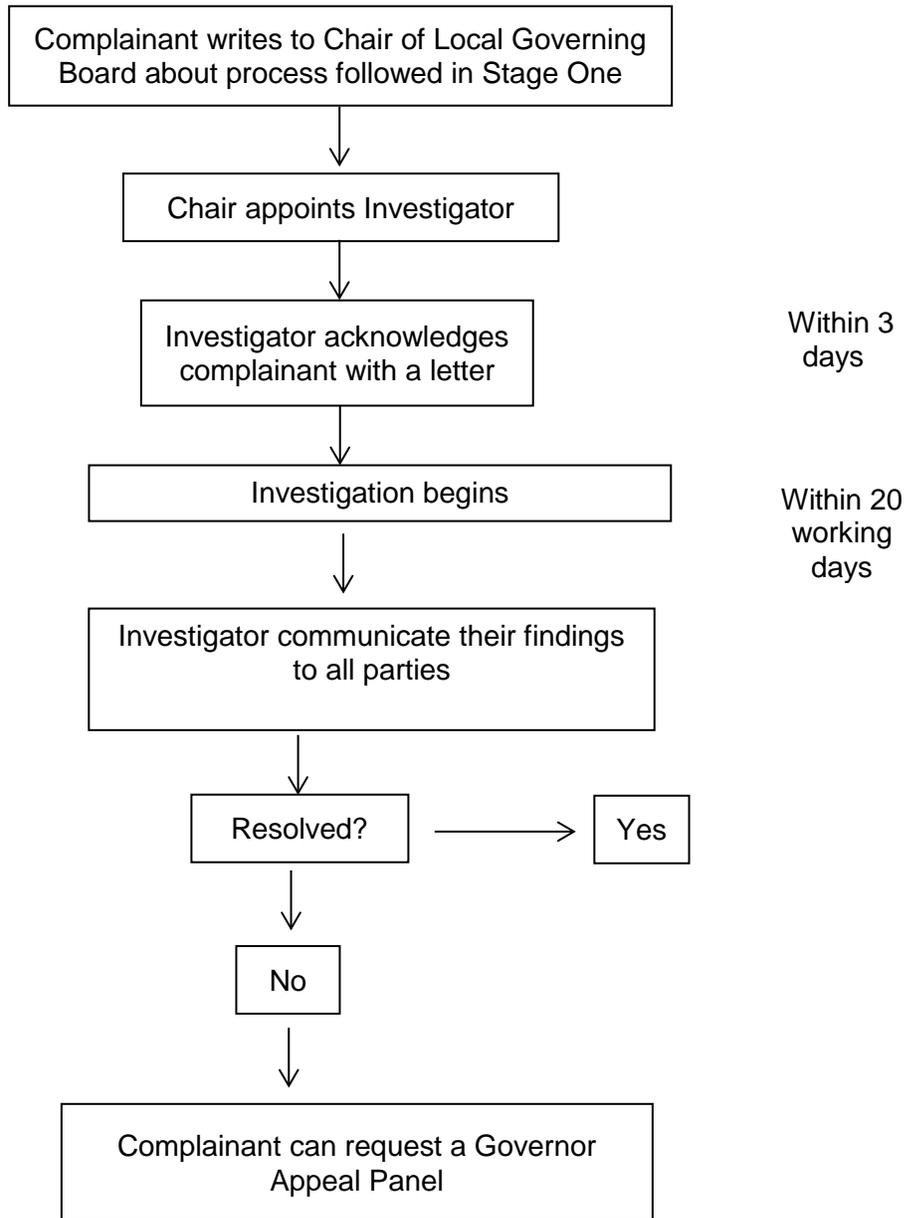
## Informal Stage



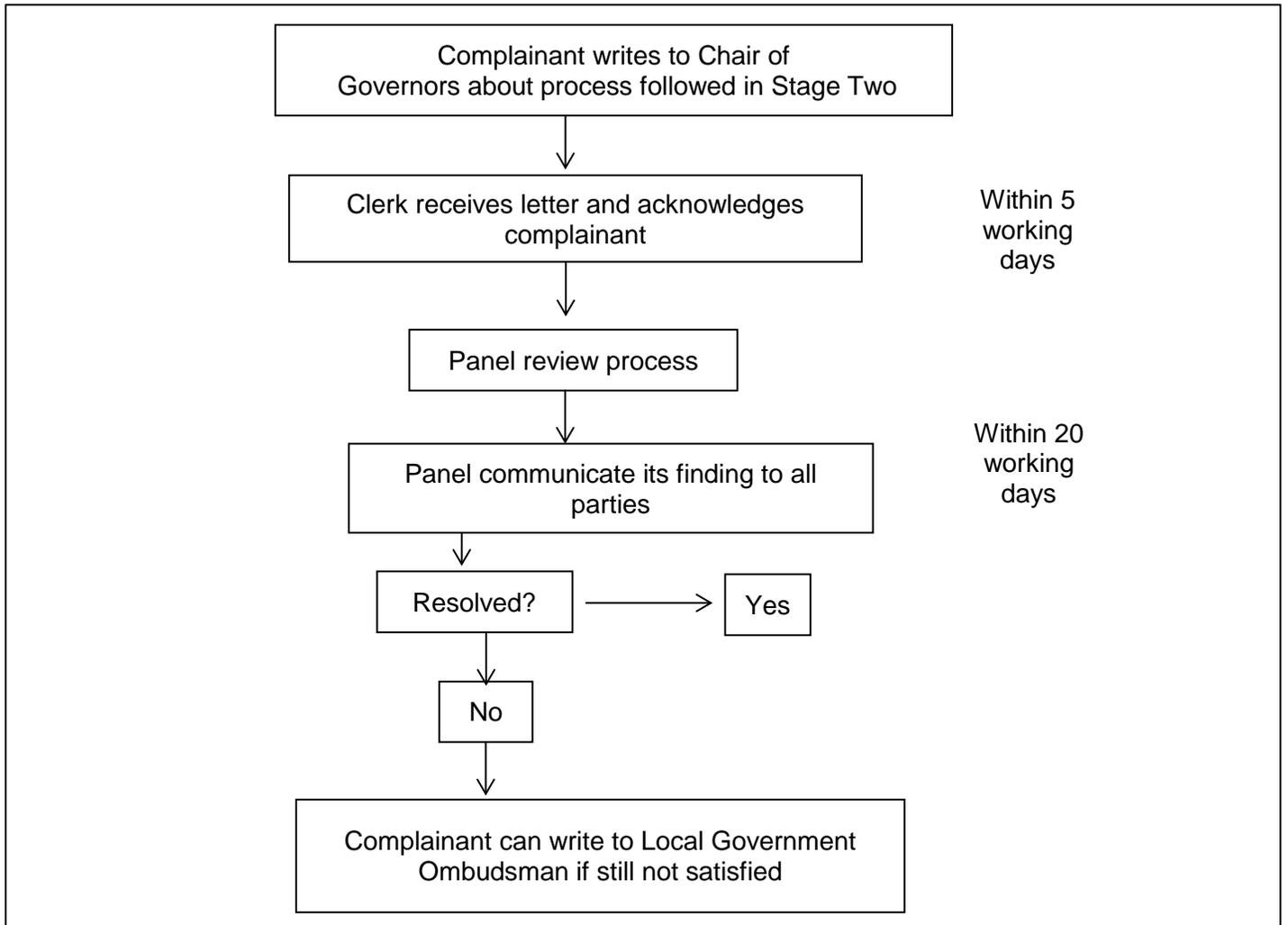
### Complaint Stage One



## Complaint Stage Two – Chair of LGB Investigation



### Complaint Stage Three - Governors Appeal Panel



**Note: - If the complaint is about the actions of the Headteacher then the CEO carries out the Headteacher's role as indicated above.**

## Appendix C: Best Practice

The following text is from DfE Best practice advice for school complaints procedures 2016

[DfE School complaints procedures](#)

### Roles and Responsibilities

#### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

#### The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaint's procedure;
- keep records;
- be aware of issues regarding: -
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

#### The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include: -

- 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;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

#### The Panel Clerk (this could be Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected 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;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;

- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that: -

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that: -

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

**No Local Monitoring Representative** may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that 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.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

### **Interviewing Best Practice Tips Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.

- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.
- Staff/Witnesses
- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator / headteacher / Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and the sign the record as accurate.

## Appendix D: Investigating Officers Report

The following format should be used for the Investigating Officers Report:

### **Formal Complaint against <insert name of school> Investigation Report**

**Investigator:** *Who*

**Investigation Date:** *Date completed*

**Complainant:** *Who*

**Complaint:** *Details of the complaint*

### ***Headings to be used in the Report***

- *Who was interviewed during the investigation?*
- *Summary of Evidence collected: List of appendices and information they contain*
- *Investigation Findings*
- *Investigation outcome and recommendations*
- *Summary of Evidence collected: List of appendices and information they contain.*

# Appendix E: Procedure to manage complaints about Governors, Trust Directors and Members

## General principles

The principles of a complaint should include the following:

- resolution should be sought at the least formal level in the first instance;
- complaints should be resolved as quickly as possible;
- the process of resolving a complaint should not undermine the work of the Local Monitoring Council, Trust Board or Members;
- where help and support is needed in managing a complaint against a Governor, Trust Director or Member this could be sought from another school Local Monitoring Council or Trust.

A Trust Board and its constituent Local Monitoring Council should conduct its workings with a clear set of expectations of their role and behaviour. This is contained in the Local Monitoring Council Code of Conduct which should be signed by all Governors which follows the Nolan Principles of those holding public office. These are defined in the Trust's Scheme of Delegation.

## Categories of complaints

Complaints against Governors, Directors and Members can be categorised:

- (i) those from other Governors/ Directors/Members within the Trust;
- (ii) those from members of the public which includes parents;

NB - members of the school staff – See Staff Grievance Policy.

Irrespective of the category of complaint the responsibility for dealing with the complaint is that of the Trust Board, which would normally fall to the Chair to manage.

Where the complaint is made against the Chair then:

- (i) it could be passed to the Vice-Chair; or
- (ii) by agreement of the Trust Board at an Extraordinary Trust Board Meeting, passed to the Chair of another School Governing Body with whom the Local Monitoring Council has made a prior collaborative agreement (2003 Collaboration Regulations /Joint Governor Panel Agreement) to investigate and then forward the recommended outcomes to the Vice Chair.
- (iii) by agreement of the Trust Board at an Extraordinary Trust Board Meeting, passed to an experienced Governor who will forward the recommended outcomes to the Vice Chair.

The Trust Board need to consider to what extent the internal investigation of a complaint against a Governor/Director/Member by another Governor/Director/Member generates a conflict of interest or prejudice.

No member of the school staff, including the Headteacher, should be involved in the investigation of a complaint against a Governor other than as a witness.

## Procedure

This procedure is for complaints from members of the public, parents and Governors.

1. All complaints must be in writing to the Clerk, which includes email. For complaints against the Chair the procedure below will be undertaken either by the Vice Chair or an Independent Investigator
2. The Chair must inform the Governor/Director/Member against whom the complaint is made, the content of the complaint and how it is to be managed.
3. All complaints must be reported to the Trust Board as soon as is practicable, however the information must be restricted to: (a) the date the complaint was received; and (b) against which Governor/Director/Member the complaint is made.
4. Unless otherwise agreed by the Trust Board, the Complaint should be managed by the Chair.
  - a. The Chair may wish to seek advice from the Regional Schools Commissioner office.
5. The Chair should arrange a meeting with the complainant to determine the nature of the complaint. To substantiate the complaint the complainant should be able to supply evidence.
6. It may be that due to the nature of the complaint, the Chair can resolve the issue at the initial meeting and no further action be taken.
  - a. This outcome should be reported immediately to the Governor who the complaint is against and the

Trust Board.

7. Where the complaint cannot be resolved at the initial meeting with the Complainant, the Chair will need to meet with the Governor/Director/Member concerned and put to them the complaint in order for them to make a response.
8. The Chair or Vice Chair will write a letter to the complainant providing an outcome to their complaint.
9. The outcome of the complaint could be that:
  - (i) the complaint is dismissed;
  - (ii) the complaint is upheld in part or whole and a letter of apology is sent to the Complainant;
  - (iii) the complaint is detrimental to the reputation of the Trust and the Trust Board refer to their Code of Conduct for next steps in line with regulations.
10. The outcome of the complaint needs to be recorded in the minutes of the Trust Board meeting, for example:  
Complaint was resolved

Or

That a complaint was made against a Governor and investigated with the outcome being .....

Where possible the time lines of the Complaints Policy should apply to this Appendix.