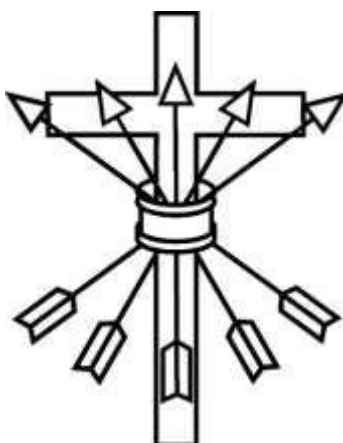


WADDESDON CHURCH OF ENGLAND SCHOOL



COMPLAINTS & RESOLUTIONS POLICY & PROCEDURE

STATUS OF PROCEDURE:	Statutory
BASED ON:	DfE and Winckworth Sherwood model (October 2021) policies
COMMITTEE RESPONSIBLE:	Personnel & Staff Wellbeing
GOVERNING BOARD APPROVAL:	17.06.26
REVIEW DATE:	Summer Term 2027

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1. Introduction

The Governing Board has adopted this procedure to deal with concerns and complaints from members of the school community or the public.

2. Aims and Objectives

Our school will be fair, open and honest when dealing with any concern or complaint and aims to resolve it through open dialogue and mutual understanding.

All concerns and complaints will be carefully considered and dealt with as swiftly as possible. In all cases the interests of the child will be placed above all other issues.

This procedure is underpinned by the following principles:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to use and understood
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping all parties informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect confidentiality wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of concern, providing an effective response and appropriate redress, where necessary
- provide information to the school's leadership team so that services can be improved.

3. Scope of this Complaints Procedure

Any person, including members of the public, may raise a concern or a complaint about any provision of facilities or services that we provide.

This is a statutory procedure for concerns or complaints raised by parents/carers of current pupils and the full procedure will be used.

This is a discretionary procedure for concerns or complaints raised by members of the public. Any such matters should be raised directly with the Headteacher using Stage 1 of this procedure. Members of the public have no recourse to Stages 2 or 3 of the procedure.

Some concerns and complaints fall outside this policy because they are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be raised through the admissions appeal process
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs should be raised with your local authority.
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*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
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 should complain through the school's complaints procedure. You may also be able to complain direct to the local authority 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's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member because 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 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

If other bodies are investigating aspects of the complaint, for example the police, local authority 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 us 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.

Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the school's complaints procedures.

Regardless of the nature of a complaint and whether or not it is upheld, parents/carers are not entitled to details of any related sanctions imposed on staff, pupils or parents/carers.

Attention is drawn to Appendix 5 of this policy regarding unreasonable complaints. In particular, complainants should note the school's expectations regarding the use of artificial intelligence (AI) and social media in relation to complaints.

4. 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 both 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. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

This policy allows for complaints to be considered at three stages: Stage 1: Informal raising of a concern or a complaint; Stage 2: A formal complaint in writing; Stage 3: Reference to a complaints panel.

HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

5. Stage 1 – Informal concerns and complaints

A concern or complaint by a parent can be made in writing, in person or by telephone. Those not made in writing will be confirmed in writing via email following the oral report. They may also be made by a third party acting on behalf of a complainant, if they have appropriate consent to do so.

A concern or complaint should initially be raised as follows:

Educational issues: if the matter relates to the classroom or the curriculum educational needs, please speak or write initially to the Subject Teacher.

Special Educational Needs: if the matter relates to special educational needs, please speak or write initially to the SENDCo.

Pastoral care: for complaints relating to matters outside the classroom, please speak or write to the Form Tutor or Head of Year.

Staff issues: for complaints relating to members of staff, please speak or write to the Deputy Headteacher.

Disciplinary matters: a problem over any disciplinary action taken or a sanction imposed should be raised first with the Head of Year.

If you have difficulty discussing a concern with a particular member of staff, please contact the Deputy Headteacher who will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with the matter, they may refer the matter 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.

Concerns or complaints raised by members of the public should be raised directly with the Headteacher as set out in paragraph 3 above.

Individual governors should not be approached in respect of concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.

An informal concern or complaint will be acknowledged email (or letter) within 3 school days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and/ or a meeting with the parent.

Wherever appropriate, the school will ask the complainant at the outset what they think might resolve the issue.

The complainant will receive a response to the complaint within 15 school days.

If the issue remains unresolved, the next step is to make a formal complaint.

6. Formal Complaints

6.1 Time scales

A formal complaint must be made within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this time frame only if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to a delay.

6.2 Complaints received outside of term time

Complaints made outside of term time will be treated as being received on the first school day after the holiday period.

6.3 Resolving complaints

At each stage in the procedure, the school want to resolve the complaint. If appropriate, the school will acknowledge that the complaint is upheld in whole or in part. In addition, the school 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 it 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 policies in light of the complaint
- an apology.

6.4 Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, it should be confirmed in writing.

6.5 Anonymous and Campaign Complaints

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

Where the school is the focus of a campaign and receives a large volume of complaints, all based on the same subject or from complainants unconnected with the school, the school may choose to respond by sending a template response to all complainants or publish a single response on the school's website.

If either anonymous or campaign complaints are investigated as above, the school can request a representative be identified and appointed to act on behalf of the group/ complainant.

6.6 Complaints against school staff

Formal complaints against school staff should be made to the Deputy Headteacher via the school office. Please mark them as Private and Confidential.

6.7 Complaints about the Headteacher or Governors

Formal complaints about the Headteacher, the Chair of Governors, any governor(s) or the whole governing board should be addressed to the Governance Professional via the school office. Please mark them as Private and Confidential.

7. Stage 2 – Formal complaints

It is expected that a complaint will be raised at Stage 1 (the informal stage) before progressing to Stage 2, and only then if the parent/carers indicates that they wish to escalate the matter. If the parent/carers makes a formal complaint under Stage 2 without first raising it at Stage 1, the school reserves the right where appropriate to suspend the Stage 2 process until Stage 1 has been completed.

7.1 How to make a formal complaint

The formal complaint must be made in writing on the Complaints Form at Appendix 2. The Complaints Form should include:

- a copy of all relevant documents and full contact details; and
- details of all the grounds of the complaint and the outcome desired.

If help is required in completing the form, please contact the Governance Professional. A third-party organisation like the Citizens Advice can be asked to help.

In accordance with equality law, the school 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.

The complaint will be acknowledged by email or letter within 5 school days, indicating the action that is being taken and the likely timescales. This may, where appropriate, indicate that issues raised will be handled under a different policy (see page 4 above).

7.2 Investigation

The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:

- delegation of the investigation to a senior member of staff;
- request for additional information from the complainant, including what is needed to resolve the issue (if not already requested under Stage 1); and
- request for a conversation and/ or a meeting with the complainant and/ or others with relevant knowledge of the circumstances.

Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, they will prepare a report on the investigation which will be considered by the Headteacher. Personal data may be redacted, and names anonymised in line with data protection principles.

If the complaint is about the Headteacher or a member of the governing board (including the Chair or Vice-Chair), a suitably skilled governor or one of the Members of the Academy Trust will be appointed to complete all the actions ascribed to the Headteacher at Stage 2. It will be in the discretion of this governor or Member whether to appoint an independent investigator.

Where complaints are jointly about the Chair and Vice Chair of the governing board or the majority or entirety of the governing board, one of the Members will be appointed to complete the actions ascribed to the headteacher at Stage 2. It will be in the discretion of this Member whether to appoint an independent investigator.

At the conclusion of their investigation, the investigator will provide a formal written response to their appointor.

The Chair of Governors will be made aware of all stage 2 formal complaints and it will not be appropriate for the Chair of Governors to sit on any subsequent Stage 3 Panel.

7.3 Decision

The Headteacher (or anyone undertaking the tasks ascribed to the headteacher as outlined above) will notify the parent/carer by email or letter of their Stage 2 decision and the reasons for it within 20 school days from the receipt of the formal complaint in writing.

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 the 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 2.

8. Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, it can be escalated to the final stage of the complaints procedure: a Panel hearing to consider those elements of the Stage 2 response with which the parent/carers remains dissatisfied. The Complaints Panel (Panel) will not consider any new complaints which have not been previously raised.

8.1 Request for Panel Hearing

A request for a panel hearing must be put in writing to the Governance Professional within 5 school days of receiving the Stage 2 decision letter. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Once the request is acknowledged within 5 days of receipt, supporting evidence setting out the following should be submitted within 10 school days or such other timescale that is agreed:

- a copy of all relevant documents and full contact details;
- details of all the grounds of the complaint and the outcome desired; and
- a list of the documents that the parents/carers believe are in the school's possession for the Panel to consider.

Every effort will be made to enable the hearing to take place within 20 school days of receipt of the detailed request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

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

8.2 Planning the Hearing

- The Governance Professional will send written notification to each party of the date, time and place of the hearing at least 10 school days before the date of the hearing.
- Copies of any documents (additional to those specified in 8.1) that the parent/carer and the school wish the Panel to consider should be sent to the Governance Professional to be received at least 5 school days prior to the hearing.
- The Governance Professional will circulate a copy of the bundle of documents to be considered by the Panel to all parties at least 3 school days prior to the hearing.
- The names of individuals other than the complainant, the complainant's family, members of the school's staff and governors, will be redacted unless they have provided their written consent for their name to be disclosed.
- The complainant may bring someone along to the panel hearing to provide support, for example a relative or friend. The hearing is an internal proceeding, not legal proceedings. Legal representation is not appropriate. A legally qualified person will only be permitted as a friend.

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 be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary or capability procedures, if appropriate, but outcomes will not be shared with them.

- Representatives from the media are not permitted to attend.
- A person will be appointed to take a minute of the hearing. This will usually be the Governance Professional, but if another person is appointed, they may undertake the duties ascribed to the Governance Professional in this policy.

8.3 Witnesses

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Panel hearing to give a verbal statement rather than relying on a written statement or record of meeting which has been signed by the witness.

If the complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Governance Professional **at least 5 school days** before the Panel hearing, to enable the Governance Professional to forward it to the school's representative and the Panel members.

Witnesses under the age of eighteen other than the complainant's own family will only be allowed to attend the Panel hearing at the discretion of the Chair of the Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.

8.4 Composition of the Panel

The Panel will comprise at least three individuals, selected by the Governance Professional who have no detailed prior knowledge of the circumstances of the complaint and will include school governor(s)/ associate governor(s) and at least one Panel member who is independent of the management and running of the school.

If the complaint is jointly about the Chair and Vice Chair or the majority or entirety of the governing board, the Panel hearing will be heard by an independent Panel but include one Member of the Academy Trust who has not acted at Stage 2.

The Governance Professional will inform the complainant who has been appointed to sit on the Panel ahead of the hearing. Fair consideration will be given to any reasonable objection to a particular member of the Panel.

The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings, which is most likely to be the external member.

8.4 Role of the Complaints Panel

The role of the Panel is to review the process and the decision reached at Stage 2, and to consider on the balance of probabilities, whether or not to uphold each complaint. It will not

review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

8.5 The Hearing

The hearing will proceed notwithstanding that the complainant may decide not to attend. In these circumstances, the Panel should consider the complaint anyway and make findings on the substance of the complaint.

The hearing will be held in private. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to any third party including the press or other media.

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 recordings of meetings or conversations take place. Consent will be recorded in minutes taken.

During the hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The procedure to be followed is at Appendix 4. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/ or may take written statements into account at its discretion.

The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

All statements made at the hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

All those present during the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair of the Panel. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be minuted.

The Chair of the Panel may, at their discretion, adjourn the hearing if they consider it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.

When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, they will conclude the hearing.

8.6 Decision

The Panel will consider the complaint and all the evidence presented. The Panel 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 Panel 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 Panel will make findings on the balance of probabilities and may make recommendations to the school. If a fact is not deemed relevant, the Panel will not consider it further. The Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents/carers, although the Panel may make recommendations.

The Governance Professional will write within 10 school days of the Panel hearing to the:

- Complainant;
- The school's representative;
- The Chair of the governing board (or Members as appropriate)

The letter will identify each of the issues complained about, summarise how the Panel hearing proceeded, and confirm each of the Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the matter may now be referred to the Department for Education for further consideration. Copies of Panel hearing minutes will also be provided on request to the complainant.

The completion of Stage 3 represents the conclusion of the school's complaints procedure.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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

8.7 Referral to the Department for Education

If the complainant believes that this Complaints Policy does not comply with regulations, or that the school has not followed the procedure in this Complaints Policy, the complainant can refer the complaint to the Department for Education (DfE) for consideration.

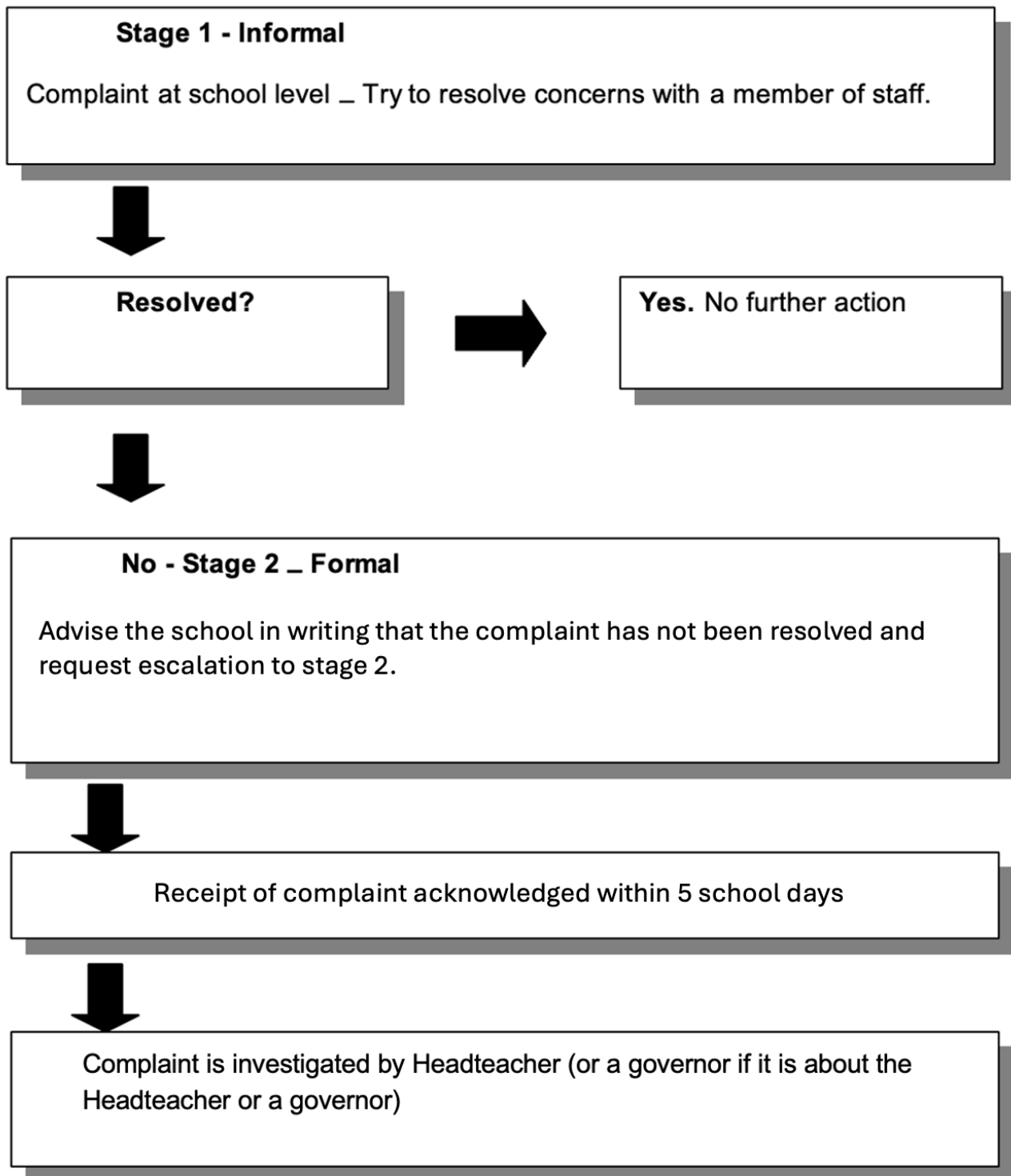
The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made. It will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can find further information about referring a complaint to the DfE by pasting this page into an Internet browser:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#contacting-dfe>

APPENDIX 1: FLOWCHART SUMMARY*

* Please refer to the procedure for more detailed information





The outcome of the investigation is issued in writing within 20 school days of receiving the complaint.



Resolved?



Yes - No further action.



No – Request escalation to Stage 3 of the procedure within 5 school days of the completion of stage 2.



Complaints Panel meets to consider complaint within 20 school days of receipt of the detailed complaint. The Complainant and the school will be invited to attend.



Panel makes a final decision on behalf of the governing board and writes to the Complainant within 5 school days.

APPENDIX 2: Complaint Form

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 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:

Appendix 3

Appointing External Investigators: Procedures and Protocols for Transparency and Objectivity

When to Use an External Investigator

Where there is a lack of appropriate resource within the school, or the nature or complexity of the complaint requires it, the complaint will require an external investigator.

Key Principles for Ensuring Transparency and Objectivity

1. Objectivity is Critical

The investigator must have no connections to:

- The school, except in an advisory or compliance capacity, e.g. Local Authority, Council or HR
- The governing board
- The individuals involved
- The incident leading to the investigation

2. Clear Terms of Reference

Before the investigation begins, establish:

- **Scope of the investigation** - What specific issues are being investigated?
- **Timeline** - Clear deadlines for completion
- **Reporting structure** - Who the investigator reports to
- **Expected outcomes** - What form the final report should take
- **Confidentiality requirements** - How information will be handled

3. Liaison with the LADO (for Safeguarding Matters)

The LADO will provide advice and guidance to schools when considering complaints against adults working with children. The role of the LADO is not to investigate the complaint, but to ensure that an appropriate investigation is carried out, whether that is by the police, local authority children's social care, the school, or a combination of these.

For safeguarding complaints, you should discuss with the LADO how and by whom the investigation will be undertaken.

4. Monitoring Progress

The person appointing the external investigator must monitor the progress of cases to ensure that they being dealt with as quickly as possible in a thorough and fair process.

Practical Checklist for Appointing an External Investigator

Before Appointment:

- ✓ Confirm the investigator's independence
- ✓ Check their qualifications and experience
- ✓ Agree fees and expenses upfront
- ✓ Draft clear terms of reference and agree the scope of the investigation and, where necessary, with input from the complainant

During Investigation:

- ✓ Schedule regular progress reviews (fortnightly/monthly)
- ✓ Maintain communication with all parties
- ✓ Ensure confidentiality is maintained
- ✓ Keep detailed records of all decisions
- ✓ Liaise with LADO if safeguarding-related

After Investigation:

- ✓ Review the final report thoroughly
- ✓ Consider recommendations for policy improvements
- ✓ Plan support for all affected parties
- ✓ Update relevant policies and procedures
- ✓ Ensure proper record retention

This approach will help maintain transparency, ensure objectivity, and protect all parties involved while meeting statutory obligations.

Use and preservation of CCTV footage

Note: should the investigator require access to CCTV footage which may support any investigation, they should indicate this at the earliest opportunity. This footage should then be preserved until the full process in relation to the investigation and any subsequent appeals or processes are complete.

APPENDIX 4: 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 that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Governance Professional

The Governance Professional is the contact point for the complainant and the Panel 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 Panel hearing, 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 and complainant submissions) and send it to the parties in advance of the Panel hearing within an agreed timescale
- record the proceedings
- circulate the minutes of the Panel hearing
- notify all parties of the Panel's decision.

Panel Chair

The Panel's chair, who is nominated in advance of the Panel hearing, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the hearing
- the hearing 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 hearing are put at ease. This is particularly important if the complainant is a child/young person

- the remit of the Panel 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 hearing
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the hearing or verbally in the hearing itself
- the issues are addressed
- key findings of fact are made
- 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
- the hearing is minuted
- they liaise with the Governance Professional and Complaints Co-ordinator as necessary

Panel Member

Panel members should be aware that:

- the hearing must be independent and impartial, and should be seen to be so
- no governor may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing should be to resolve the complaint and achieve reconciliation between the school and the complainant
- many complainants will feel nervous and inhibited in a formal setting
- the welfare of the child/young person is paramount.

APPENDIX 5: Panel Hearing Procedure

At the panel hearing

- After introductions, the complainant will be invited to explain their complaint, and be followed by their witnesses (if any).
- The school's representative may question both the complainant and the witnesses after each has spoken.
- The school's representative is invited to explain the school's actions and be followed by the school's witnesses (if any).
- The complainant may question both the school's representative and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is invited to sum up their complaint.
- The school's representative is invited to sum up the school's actions and response to the complaint.
- The Chair of the Panel explains that both parties will hear from the Panel within five school days.
- Both parties leave together while the panel decides on the issues.
- The Governance Professional remains to support the panel and minute the hearing.

APPENDIX 6: UNREASONABLE COMPLAINTS AND COMMUNICATIONS

1. The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. It will not normally limit the contact complainants have with it. However, it does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
2. The school encourages complainants to use caution if Artificial Intelligence (AI) is used to generate complaint letters or communications with the school. While appropriate use of AI can be beneficial in making the complaints process more accessible in some circumstances, there are risks with doing so. Such communications can result in voluminous or repetitive correspondence and/ or irrelevant legal references which can unhelpfully escalate issues and divert school time and resources instead of allowing us to work with you collaboratively to resolve your concerns.

If AI is used, complainants are asked to reflect on whether the content of the correspondence is appropriate before sending it to the school.

3. We also ask complainants to refrain from labelling correspondence as 'letters before action' (or similar terminology) and/ or sending correspondence which requests a response within a specified timeframe with a threat of legal proceedings. Whilst complainants are entitled to take legal advice should they wish to do so, the Department for Education encourages schools and parents/ carers to engage with the complaints policy to resolve concerns, which inevitably becomes more difficult where threats of legal action are made. Courts also expect parties to explore alternatives to legal action and legal proceedings should only be taken as a matter of last resort. The school reserves the right to apply to strike out legal claims which have no merit and to seek a costs order where appropriate.
4. Complainants are requested not to copy in third party individuals and/ or organisations to a complaint as this can complicate matters and will not lead to a quicker resolution. Similarly, complainants are encouraged not to publish complaints on social media as doing so is unlikely to lead to a resolution. A complaint should be specific to the complainant's child: the school expects complainants to afford it the opportunity to work with collaboratively to address specific concerns in an appropriate manner.
5. The school adopts the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder

consideration of their or other people's complaints. Unreasonable complaints are taken seriously by the school as they put a strain on valuable resources and hinder the progress of proper investigations.

6. The school may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.
7. A complaint may be regarded as unreasonable when the person making the complaint:
 - 7.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - 7.2 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
 - 7.3 refuses to accept that certain issues are no are not within the scope of a complaints procedure;
 - 7.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - 7.5 introduces trivial or irrelevant information which the complainant expects to be taken into account 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;
 - 7.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - 7.7 changes the basis of the complaint as the investigation proceeds;
 - 7.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - 7.9 refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed;
 - 7.10 seeks an unrealistic outcome;

7.11 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.

8. 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:

8.1 maliciously;

8.2 aggressively;

8.3 using threats, intimidation or violence;

8.4 using abusive, offensive, insulting, hostile, mocking, unnecessarily personal or discriminatory language;

8.5 knowing it to be false;

8.6 using falsified information;

8.7 publishing unacceptable information in a variety of media such as on social media websites and newspapers.

9. A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the school shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all the circumstances of the case, the school will consider a range of factors including:

9.1 whether a complaint has reasonable foundation;

9.2 the history and context of the complaint (and any evidence where relevant);

9.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;

9.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;

9.5 unexplained delay in raising a complaint or issue;

9.6 if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;

9.7 any evidence of a complaint being brought for an improper purpose.

10. Whenever possible, the Headteacher will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Headteacher will normally only do so after consultation with the Chair of Governors.

11. If the behaviour continues, the school will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

12. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after 3 months.

13. In response to any serious incident of aggression or violence the school will immediately inform the police and communicate its actions in writing. This may include barring an individual from the school.

14. If the complainant is unhappy with the decision not to investigate a persistent or serial complaint, they may write to the Chair of the governing board.

14.1 The Chair will write to the complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received.

14.2 If the Chair overturns the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

14.3 If the Chair upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the Department for Education.