



Holy Trinity Church of England (Aided) Primary School

Policy Statement

Complaints Policy 2022

The Best for Every Child - a Unique Child of God

At Cookridge Holy Trinity Church of England (A) Primary School we serve the community by providing a happy, secure and caring Christian environment where all are valued and respected. We pride ourselves on being friendly and welcoming. We believe in the uniqueness of the individual as a child of God and recognise the range of contributions that each can make.

We provide for the spiritual, emotional, physical, mental and social development of the whole child, as a child of God. We seek to foster self-esteem and instil a sense of responsibility to others and the world around them through the teaching of our Christian Values.

We are committed to the pursuit of excellence, and the school curriculum aims to offer all children a broad and balanced, relevant and differentiated curriculum which provides consistency and continuity of teaching throughout the school, enabling every child to maximise their potential.

We work in partnership with parents, the local church, the wider community and other schools to provide an education of the highest quality.

Written by: C Hellings/Leeds City Council

Date: November 2022

To be reviewed: November 2025

Statutory	√
Website	√
Staff Notice Board	√

This policy is based on the model Leeds City Council Complaints Policy and Procedure, as set out in Dealing with complaints about schools: a practical toolkit for headteachers and governors (revised, July 2021). In its guidance, the Department for Education sets out a distinction 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’.”

<https://www.gov.uk/government/publications/school-complaints-procedures>

1 The majority of concerns from parents, carers and others are handled under the following general procedures.

To ensure you receive an effective response to your complaint, it will be helpful if you:

- co-operate with the school in seeking a solution to the complaint;
- express the complaint in full as early as possible; complaints must be raised within three months of an incident occurring (although exceptional circumstances will be considered);
- respond promptly to request for information or meetings or in agreeing the details of the complaint;
- ask for assistance if needed (we will ensure that adjustments are made so that the complaint process is accessible to you e.g., providing information in alternative formats or supporting you to make your complaint) and
- treat all those involved in the complaint, with respect.

At each stage in the procedure, Cookridge Holy Trinity C of E (A) Primary 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 policies in light of the complaint
 - an apology.

The procedure is divided into three stages;

The informal stage aims to resolve the concern through informal contact at the appropriate level in school.

Stage one is the first formal stage at which written complaints are considered by the head teacher or the designated governor, who has special responsibility for dealing with complaints.

Stage two is the next stage once stage one has been worked through. It involves a complaints appeal panel of governors.

How each of these stages operates is explained below:

Informal stage – your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's class teacher.
2. Once your concern is made known to us, we will see you, or contact you by telephone or in writing, as soon as possible. If we need further information, we will gather this from you so that we can ensure the appropriate person with responsibility for your particular issue is notified. We will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this with you via email or in writing.
4. If necessary, we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within 10 school days. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage one - formal consideration of your complaint

This stage in our procedures applies where you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your written complaint should be addressed to the head teacher. If, however, your complaint concerns the head teacher *personally*, it should be sent to the school marked "for the attention of the chair of governors".
2. 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.
3. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within three school days.
4. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
5. The complaint will either be investigated by the head teacher or they may ask a senior member of staff to be the investigating officer. If the complaint is about the head teacher personally, the chair of governors will usually investigate. However, they may appoint another governor to investigate.
6. Normally we would expect to respond in full within 15 school days but if this is not possible, we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
7. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint.

8. The head teacher/investigating officer, or chair of governors/designated governor* may also be accompanied by a suitable person if they wish.
9. Following the meeting, the head teacher/investigating officer, or chair of governors/designated governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
10. If the complaint involves a pupil, his/her parent/carer will be contacted and, if interviewed, we will try to ensure the parent/carer is present. In some cases, this might not be possible due to the urgency of the matter and a member of staff with whom the pupil feels comfortable, for example, the nurture lead, will attend the interview.
11. If the complaint is about the conduct of a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
12. The head teacher/investigating officer or chair of governors/designated governor will keep dated records of all meetings and telephone conversations, and other related documentation.
13. With regards to meetings with yourself or other witnesses, accurate notes will be agreed by both/all parties.
14. 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
15. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give an explanation of the head teacher's or chair of governors'/designated governor's decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
16. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to stage two, as described below. If you wish to move your complaint to stage two, you should contact us within **10 school days** of receiving our response.

*The designated governor will usually be the governor with allocated responsibility for dealing with complaints but may from time to time be another member of the governing body (including the chair of governors)

Stage two - consideration by a governors' appeal panel

If the complaint has already been through stage one and you are not happy with the outcome as a result of the way in which the complaint has been handled, you can take it further to a governors' appeal panel. This is a formal process, and the ultimate recourse at school level.

The purpose of this arrangement is to give you the chance to present your views in front of a panel of governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

However, the aim of a panel is not to reinvestigate the complaint. It is there to review how the complaint has been investigated and to determine whether this has been conducted fairly. It is there to establish facts and make recommendations which will reassure you that we have taken the complaint seriously.

The governors' appeal panel operates according to the following formal procedures:

1. The governing body will convene a panel of three governors and will aim to arrange for the panel meeting to take place within **20 school days** of receiving your request.
2. The head teacher (or whoever investigated at stage one) will be asked to prepare a pack of the documentation related to the investigation and the stage one outcome, for the panel. The panel can request additional information from other sources if necessary.
3. You will be informed, at least **five school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer.
4. We will try and arrange the meeting around your availability whilst taking into account all attendees' circumstances. However, if after being offered three separate dates, you cannot agree to attend, it may be that the meeting will be held in your absence but with written submissions from all parties.
5. With the letter inviting you to the meeting, you will receive any relevant correspondence or reports regarding stage one and you will be asked whether you wish to submit further written evidence to the panel. Any additional documentation should be submitted prior to the review panel meeting.
6. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. It is not recommended that legal representatives attend: this is not a legal process. However, there may be occasions when legal representation is appropriate, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

8. Representatives from the media are not permitted to attend.
9. In exceptional circumstances, and if it is necessary in the interests of the ratifying the investigative process, the head teacher/investigating officer may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
10. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
11. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.

12. The chair of the panel will ensure that the meeting is properly minuted. You will receive the written outcome of the panel meeting with the panel's decision. You may also request a copy of the minutes and should make this request at the start of the panel's proceedings.
13. Electronic recording of the meeting is not permitted without the consent of all attendees and only in special circumstances where there are communication difficulties. Agreement must be sought from the chair before the date of the meeting. Any recordings remain private and further sharing is subject to restrictions under the Data Protection Act 2018 and General Data Protection Regulations (EU) 2016/679 (GDPR).
 - During the meeting, you can expect there to be opportunities for:
 - the panel to hear you explain your case and your argument for why it should be heard at stage two;
 - the panel to hear the head teacher/investigating officer's case in response;
 - you to raise questions via the chair;
 - the head teacher/investigating officer to raise questions through the chair;
 - the panel members to be able to question you and the head teacher/investigating officer; and
 - you and the head teacher/ investigating officer to make a final statement.
14. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the head teacher **within three school days**. All participants other than the panel and the clerk will then leave.
 - The panel will then consider the complaint and all the evidence presented in order to:
 - reach a unanimous, or at least a majority decision, to uphold/dismiss the complaint in whole or in part;
 - decide on the appropriate action to be taken by the school, if necessary; and
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
 - The chair of the panel will send you and the head teacher a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education. • We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.
15. 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 Cookridge Holy Trinity C of E (A) Primary will take to resolve the complaint.

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

Closure of complaints

Very occasionally, a school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.

We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".

If a complainant persists in making representations to the school – to the head teacher, designated governor, chair of governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the complaint has exhausted our official process. The local authority will support us in this position, and especially where the complainant's action is causing distress to staff and/or pupils.

Where you have been through the school's internal complaints procedures and are still unhappy with the outcome or decision from the governing body, you can contact the Secretary of State for Education via the DfE website www.education.gov.uk/contactus, by telephoning 0370 000 2288 or by writing to the address below:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

We would advise parents that, unless the school is shown to have behaved unreasonably or not to have followed their own procedures or any statutory procedures, there is likely to be little further action that can be taken. Governing bodies are empowered to deal with many issues without reference to either the local authority or the secretary of state.

Campaigns

Where we receive numerous complaints from parents and carers and/or other people unconnected with the school regarding a particular issue, we will classify these as campaigns.

These usually concern a high-profile issue that has motivated a number of people to come together and write to the school to express their dissatisfaction.

We will not deal with these under the school’s complaint policy. However, we will produce a response to the issue that will be either sent to all correspondents or we will publish a response on the school’s website and direct people to it.

Other sources of information and advice

If your concern is about an aspect of **special educational needs provision**, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to Leeds SEND Information Advice Service (Leeds Special Educational Needs and Disability Advice Support Service) on their helpline:0113 395 1222.

Annexe C School Complaints Recording Form

Complaints / Feedback form

Personal Details Name
..... Address
.....
..... Postcode
..... Telephone number(s)
..... e-mail address

If applicable, name of child(ren) and year at school
.....

Your relationship to the school, e.g., parent, carer, neighbour, member of the public, student:
.....

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to, when and what was the response?

What actions do you feel might resolve the problem at this stage?

Signature Date
.....

Official Use:

Date of acknowledgment By whom
..... Complaint referred to
..... Date
.....

Annexe D

Model complaint response letter – stage one

Dear Mr and Mrs X,

Formal stage one complaint regarding X

Thank you for your letter dated.... From your letter(s) it is clear that you are still unhappy with the situation. As a result, I have decided to have the matter investigated as part of formal stage one of the school's complaints procedure.

You complain that:

summary of complaint to be stated. State each point separately.

I have completed my investigation and can offer the following response(s) on each of the points you have raised.

1. Concerning your complaint that
2. Concerning your complaint that

It is important that you are clear about what action the school has taken at each stage of the process so far:

Informal stage

State what action was taken in response and the outcome of this.

Formal stage one

State what investigative action was taken in response and the outcome of this, including any remedial action to be taken if complaint is upheld.

I hope this response answers your concerns. Please let me know if you wish to meet so I can clarify any points.

In the meantime, if you are still not satisfied with my reply, there is a further stage of the complaints procedure that you can follow. This formal stage two is a review by a panel of governors who will look at the way in which your complaint has been dealt with. The panel will consider the facts of the case but will not, however, rehear the whole case.

To go to the next formal stage, you should write to the chair of governors within 10 school days of the receipt of this letter, giving your reasons why you wish to take your complaint further. If you are still not satisfied with the results of the formal stage two panel of governors, you can complain to the Secretary of State for Education who will consider how your complaint has been handled.

Yours sincerely,

Annexe E

Template for letter to invite complainant to stage two panel

Dear X

I am writing to confirm arrangements for the stage two panel hearing.

Date and time of the meeting

The meeting will take place **on at**. This meeting is to give you the chance to present your views on the complaint in front of a panel of three governors who have no prior knowledge of the details of the case and who can, therefore, consider it without prejudice.

Panel members

The members of the panel will be: Member
Member
Member

Purpose of the meeting

The panel will aim to establish facts and make recommendations. They will not be looking to re-investigate the complaint but will review how the complaint has been investigated and determine whether this has been conducted fairly. I should be grateful if you could let me know if you wish to provide any further written documentation in support of your complaint; this should be submitted prior to the review panel meeting.

Enclosures

I have included with this letter relevant correspondence and reports regarding the stage one investigation; the panel can request additional information from other sources if necessary.

Entitlement to be accompanied

You are entitled to be accompanied to the meeting. The choice of person to accompany you is your own but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.

Format of the meeting

The panel will ask you to present your case as to why you are not happy with the investigation of your complaint at stage one. The panel will then ask questions and comment as appropriate through the chair. The investigating officer will then present their case and time will be allowed for questions and comments. If appropriate, the complaint investigator may, with the agreement of the chair of the panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new

information. The chair of the panel will then sum up the proceedings and allow time for final questions and comments.

Minutes of the meeting

The chair of the panel will ensure that the meeting is properly minuted. If you would like to have a copy of the minutes you should let the chair of the panel know in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.

Outcome of the meeting

In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to you and the head teacher within three school days. All participants other than the panel and the clerk will then leave.

The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision;

- recommend to the governing board, where appropriate, changes to the school's systems or procedures to ensure that similar problems do not happen again.

You and the head teacher will be sent a letter outlining the decision of the panel. The letter will also explain that you are entitled to have the handling of the complaint reviewed by the Secretary of State for Education if you remain dissatisfied.

Yours sincerely Chair of the panel

Annexe F

Template for final response letter following stage two panel

Dear

Thank you for taking the time to attend the meeting on xxxxxxxxxx regarding your complaint which can be summarised as follows:

You are not happy with

The panel have considered the format and method of investigation, content of letters received and issued and the school complaints policy and procedures. As you are aware the complaint investigator attended the meeting and was asked a number of questions for clarification.

Following consideration, we feel a detailed investigation was/was not carried out, and this was/was not done fairly. Therefore, the decision of the panel is to uphold/overturn/partially uphold the outcome of the stage one investigation.

We would like to thank you for feedback, both in your letter and through your considered contribution during the meeting. The panel will ask the school and governing board to specifically

consider:

- recommendation

- recommendation

The panel very much regret how this experience has made you feel and we wish to assure you that xxxxxxxx school is committed to the x e.g. the safety and welfare of all its pupils.

If you remain dissatisfied with the way in which your complaint has been dealt with, and outcomes agreed, you can contact the Secretary of State for Education through the DfE website www.education.gov.uk or by writing to the following address:

The School Complaints Unit Department for Education Piccadilly Gate
Store Street

Manchester M1 2WD

Yours sincerely

Chair of the panel

Appendix A

Complaints which are subject to statutory procedures

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures

Exceptions

- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals

Who to contact

Contact Leeds City Council special educational needs service tel: 0113 3785 256

Contact Leeds City Council educ.school.organisation@leeds.gov.uk

<ul style="list-style-type: none"> • Admissions to schools 	<p>Concerns should be raised directly with local authorities. For school admissions, it will depend on who is the admission authority (either the school or the local authority). Complaints about admission appeals for maintained schools are dealt with by the Local Government and Social Care Ombudsman.</p>
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<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>If you have a concern as a practitioner, please call the Social Care Duty & Advice team on: 0113 376 0336 (9am to 5pm) or the Emergency Duty team on 0113 240 9536 (out of office hours)</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplin-exclusions/exclusion</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>

- Staff grievances and disciplinary procedures

These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service.</p>
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<ul style="list-style-type: none"> • Complaints regarding requests for term time absence 	<p>These requests are entirely at the head teacher’s discretion. Therefore, they do not come under the remit of the complaints’ procedure.</p>
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The head teacher will in most cases determine which if any of these statutory procedures apply. Advice can be obtained from the local authority on any such issues either by contacting the appropriate service manager or customer relations on 0113 37 85111.

If one of these statutory procedures needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure may need to be suspended until the statutory procedure has been concluded.

If a complainant commences legal action against <School Name> 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.

Appendix B

Model policy for managing serial and unreasonable complaints

Cookridge Holy Trinity C of E (A) 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 school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Cookridge Holy Trinity C of E (A) 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*’.

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 complaints 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 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;

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 that 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;

uses threats to intimidate;

uses abusive, offensive or discriminatory language or violence;

- knowingly provides falsified information; or
- publishes unacceptable information on social media or other public forums.

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 head teacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Cookridge Holy Trinity C of E (A) 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 banning an individual from <...School>.

Appendix C

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to local authority-maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal direction being issued by the Secretary of State in accordance with his powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

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

Manchester M1 2WD

Appendix D

Guidance for chairing stage two panels

The role of the panel is to consider the way the complaint has been investigated and handled by the school (or governor if it is about the head teacher) and offer a fresh perspective on the facts of the complaint. The panel will hear the report of the investigating officer and will review the investigation carried out at stage one, referring to the complaints policy and procedures to determine if these were followed. **The review should not consider any points not raised in the initial complaint unless agreed beforehand.**

The panel should meet within 20 school days of receiving the request. The complainants and investigating officer will be informed of the date, time and venue of the appeal hearing. A template for the invite letter is included as Annexe E. All parties must be provided with the report of the investigating officer/a pack of supporting documentation for review prior to the meeting.

The panel will comprise of three governors who have had no previous knowledge of, or involvement in, the case. The panel should not include staff governors. The meeting should be formally clerked and a set of minutes produced. If they are to be shared with the complainant it should be made clear that no changes will be made to the content of the minutes.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems

of a similar nature do not recur.

The decision of the panel is final and will be communicated in writing to complainants and the head teacher within three school days. If the complainant remains unhappy the final stage of appeal is to the Secretary of State for Education.

How to run the panel meeting

The chair of the panel will summarise the format of the meeting (this might also have been included in the invite letter) which should contain the following steps:

- those present will be asked to introduce themselves and their role/purpose
- the complainant will be asked to explain their complaint and why they feel it should be

heard at stage two;

(it may be necessary at this point, especially for lengthy complaints, for the panel chair to summarise the complaint and ask the complainants if the summary is accurate. The summary can then be used to ensure discussion during the meeting remains focussed on the complaint and does not stray into other matters)

- the complaint investigator will be asked to explain how the investigation was conducted (a pack of information should have been shared with everyone beforehand);
- the panel and complainant will have the opportunity to ask the complaint investigator questions;
- the panel and complaint investigator will have the opportunity to ask the complainant questions;
- the complainant and complaint investigator will be asked if they have anything else to add before the meeting is closed.

At this point the first part of the meeting is over. The panel chair should sum up proceedings and thank those present for their involvement. The panel chair should reiterate that a written response will be provided within three school days.

The complainant and complaint investigator will leave the meeting.

The panel (and clerk) will remain and the panel will consider the evidence and reach a decision. This could be to uphold the stage one decision or to overturn it and will also, where appropriate, make recommendations to the governing board for changes in procedures. It is always healthy to look back and see if matters could have been handled better.

A decision letter should be issued within three school days of the meeting, and include reference to the final course of redress, via the Secretary of State for Education. A template is included as Annexe F.

