

Guidance notes to accompany the Model School Complaints Policy

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| Subject | Guidance notes to accompany the Model School Complaints Policy which was issued to schools in May 2023. |
| Summary | This document offers a range of guidance and templates to support the operation of the model school complaints policy, should schools choose to adopt it. |
| Audience | Headteachers, school leaders, governors and Clerks. |
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| Date of issue | June 2023 Updated September 2024 |

Points to Note:

1. This document is **not to be published on the school's website**. It is for internal guidance and support only and may be subject to more frequent updates than the policy itself.
2. **Resources and key documents.** The resources and documents within this guidance are designed to provide additional support and guidance for complaint handling at all stages of the procedure. After the introductory sections, the resources numbered 1-9 have been organised in the order in which a complaint may be progressed. They are designed to support but can be varied as required and used flexibly.
3. **Resource 4 - Complaint review request form.** Whilst this is included within this guidance, schools are advised to create this form as a separate word document which could be personalised to the school (with school name, logo etc). This should be held by the Clerk and sent directly to a complainant who may wish to progress from stage 2 to stage 3 of the policy.

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Introduction

Purpose of this document

This document is designed to provide support, advice and guidance to school leaders, governors and Clerks in responding to complaints and applying this model policy in practice. Whilst it is intended to be a comprehensive document, if you have comments or suggestions for inclusion in future updates, then please let us know.

Key changes from the previous model policy

A significant amount of work was undertaken with Cambridgeshire schools before the previous iteration of this model policy was developed in 2019. Therefore, a number of aspects of this model policy have not changed. This includes the overall three stage process, together with an informal stage, which can be used flexibly. However, key changes and developments include:

1. The policy has been shortened as we've removed some aspects which were duplicated or were clearly guidance / support for schools – they are therefore included in this document, which can be updated more frequently for schools if required.

2. We've included as an appendix within the model policy a serial and persistent complaints policy. This is to ensure all schools have one, and to avoid the need for governors to ratify a second policy. This serial and persistent complaints policy uses the model policy wording from the DfE.
3. This model policy now complies with the most recent DfE guidance in a way our previous policy didn't – for example complainants are entitled to go through all stages if they wish, rather than the school 'allowing' a review panel meeting as was the case with the previous policy. Also, the review panel has to look at the complaint afresh, and not simply review the previous response(s) to the complaint.
4. We've tried to clarify other points throughout – for example the complaint doesn't have to be put in writing, they don't have to use the complaint form, and they don't have to have allowed the Headteacher to respond to the issue before raising a complaint – all of this is to comply with the most recent DfE guidance. The complaint form is now simplified too, so when it's in word it expands appropriately when someone types into it.
5. We still propose the Stage 3 review panel only considers written representations. However, the policy allows boards to choose the option of including within the policy the opportunity to invite the complainant to the panel meeting. This guidance offers two agenda options for such a meeting – one where the complainant and the CoG/HT attend at different times (to make it easier to chair and avoid the meeting becoming too adversarial), and another where all attend at the same time. However, governors should be aware that this process is likely to take longer than a written review of the evidence.

Rationale for this policy approach compared to the DfE recommended approach

The Department for Education (DfE) has published complaints guidance for maintained schools here: [School complaints procedures: guidance for maintained schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612212/school-complaints-procedures-guidance-for-maintained-schools.pdf). This proposes a two stage process, from the Headteacher at Stage 1 to a panel meeting at Stage 2. This is clearly an acceptable process, and one which schools can choose to adopt. However, establishing a governors' panel meeting to hear a complaint can be a challenging and costly exercise, both in governors time, and in clerking resources.

Therefore, the aim of inserting an additional stage is to provide a further opportunity for a response from the Chair of Governors to the complaint which feedback shows may help to defuse some situations, resolve some complaints and reduce the number of panel hearings required. We're aware this puts additional workload onto a Chair of Governors, but we've clarified in the policy this could instead be handled by another governor (who may have more time than the Chair).

Guidance on Policy Stages

| Stage | Guidance / Comment |
|---|--|
| <p>Informal Stage School staff seek to resolve the complaint informally through discussion with the complainant.</p> <p>Stage 1 Formal complaint to the Headteacher:</p> <ul style="list-style-type: none"> • Complaint received by the Headteacher* • Acknowledgement – 3 school days; • Investigation (including any further discussion with the complainant). <p>Formal written response (from the Headteacher – within 10 school days from receipt).</p> <p>*If the complaint is about the Headteacher then the complaint will be directed to the Chair of Governors and considered as a Stage 2 complaint.</p> <p>Note – if schools are aware that due to their working arrangements, their Clerk may not access their emails every day, schools may wish to acknowledge this within their communications to complainants, as this may affect the timescales involved.</p> | <p>These 2 stages can be seen as part of the same broad stage and can be used flexibly. The informal stage occurs regularly in schools where staff resolve everyday concerns about missing coats or bags, packed lunches or playground disagreements.</p> <p>Stage 1 can be invoked by either the Headteacher or the complainant - for example:</p> <ul style="list-style-type: none"> • By the Headteacher, if s/he feels there has been lots of communication with someone, things have been going back and forth, and the Headteacher wants to 'stop' the process, step back, and say s/he would like to deal with the issue as a formal complaint under the school's complaints process. This shows the issue is being taken seriously, allows the Headteacher to look into the matter properly, and may allow some 'breathing space' to seek a resolution. • By the complainant, who may put in a formal complaint at any point, whether or not he or she is encouraged to do so. Once the complainant makes the issue 'formal' under the policy, the Headteacher must acknowledge this in writing and respond in writing. Whilst the policy notes this is a 'formal' written response, Headteachers are still advised to retain their personal style, and keep the response personable and friendly. |
| <p>Stage 2 Complaint to the Chair of Governors requesting review of the Headteacher's decision or a complaint about the Headteacher:</p> <ul style="list-style-type: none"> • Received by Chair of Governors (within 10 school days of the Headteacher's response); • Acknowledgement – 3 school days; • Investigation (including any discussion with the complainant); • Formal written response (from the Chair of Governors or Clerk) – within 10 school days from receipt. | <p>This stage must be used if the Headteacher has responded formally at Stage 1. However, it can also be used if the Headteacher has had various informal communications with the complainant around the issue, and the complainant is still not satisfied. We recommend that the Clerk should be made aware of and involved with the complaint process at this stage if s/he is not involved already.</p> <p>The complainant can be directed to the policy and invited to complete the complaint form which would be addressed at Stage 2, without going through a formal written complaint response from the Headteacher.</p> |

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| | There is little point of this approach if the complainant remains unsatisfied at various informal responses from the Headteacher. |
| Stage 3 Request for review of Chair's Decision – Governors' Review Panel <ul style="list-style-type: none"> • Received by Clerk to the Governors (within 10 school days of the Chair of Governor's response); • Acknowledgement – 3 school days; • Further written representations to the review panel; • Review panel meet - 20 school days from receipt of request; • Formal written response (from the Clerk) – within 5 school days of review meeting. The conclusion of Stage 3 ends the governors' role in considering the complaint. | Further guidance and advice on the governors review panel is given in Resource 6. |
| Complainants who remain dissatisfied may wish to contact the Department for Education. | This should be included at the end of the letter to the complainant – see template letter in Resource 9. |

The Role of the Clerk

General Role:

The role of the Clerk to the Governors is described in Section 2.11 of the Complaints policy. The Clerk would not normally become involved with the complaint before Stage 2. However, we recommend that the Clerk should be made aware of and involved with the complaint process at and beyond stage 2 if not involved already.

The Chair of Governors may appoint the Clerk to the Governing Body to:

- act in a 'progress chasing' role to track the complaint and to ensure that timeframes set out within the policy are being adhered to wherever possible;
- ensure that the complainant is kept up to date, including where timeframes have not been met and the reasons why;
- inform the Governing Body of any shortcomings in the delivery of its complaints procedure, both during the process and subsequently;
- arrange for the outcome of the investigation to be communicated to all parties (the complainant and where relevant the person complained about) so they receive it at the same time. This will be in the form of an email or letter from the Chair of Governors;
- ensure that a written record of the complaint is kept, along with details of whether they were resolved following the formal procedure or progressed to a panel hearing;

The Clerk will ensure that correspondence statements and records relating to individual complaints are stored confidentially. Complaint documentation does not form part of the child's educational record.

Role in supporting a governor review panel (if required)

The Clerk is the contact point for the complainant and the review panel and should:

- contact governors to identify panel members who may be available to hear the complaint
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time, and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale (as per section 3.15 of the policy).
- record and circulate the minutes of the meeting amongst the panel.
- assist in writing the panel outcome letter.

Frequently Asked Questions

Frequently Asked Questions

Can we refuse to consider a complaint which is more than three months old? The DfE consider three months to be an acceptable time frame in which to lodge a complaint. Additional time can be given in exceptional circumstances. You must not have 'blanket' policies of refusing to consider any complaints not lodged, or escalated, within the stated period.

What if a formal complaint is made about a governor or the Chair of Governors? The complaint should be passed through to the Clerk who will arrange for an investigation. There is opportunity for the complainant to refer the matter to a governor's review panel where the complainant is dissatisfied with the investigation response.

Do complainants have to use the complaint form? No. The policy says a concern or complaint can be made in person, in writing or by telephone, as per DfE guidance. School's must comply with their obligations under the Equality Act 2010. It's common practice to ask for complaints to be made using a complaint form or in writing. However, complainants may have communication preferences due to:

- disability;
- learning difficulties;
- difficulties using English.

Schools should therefore allow alternative methods of contact. A third party acting on behalf of the complainant can also raise a complaint, provided they have the complainant's consent.

Schools are advised to ensure they have written consent from the complainant before disclosing information to a third party. Brief notes of meetings and telephone calls should be taken. These should be kept securely and encrypted where appropriate. A copy of any written response should be retained.

What if the complainant seeks support from a governor or governors? Governors must not involve themselves in matters that are likely to lead to formal complaint. Where a complainant raises their complaint with a governor who is not the Chair of Governors (or the Vice-Chair if the complaint is about the Chair), that governor must decline to discuss it and direct the complainant to the Chair, Vice-Chair or the Clerk. A governor receiving written material about a complaint must forward it to the Chair, Vice-Chair or Clerk without comment.

Who will complaints be accepted from? The Governing Body will not accept complaints about other people's children since to do so may well compromise the position of the parents/carers of those children who may have a different view of the matter complained of. Complaints, about any provision of facilities or services that a school provides, must not be limited to parents or carers of children that are registered at the school; anyone can make a complaint.

What if the complainant makes reference to the complaint on social media? The Chair of Governors may wish to contact the complainant to advise him/her that the complaint is a confidential matter and neither those investigating the issues, nor those who may be investigated would use social media in this way. Comments published on social media may be prejudicial to the fair investigation of the issues under consideration. The Chair of Governors may therefore contact the complainant and ask for the relevant posts to be removed. However, notwithstanding this the Governing Body should still progress the complaint.

What if the complainant contacts the press while the complaint is being investigated? Similarly, the Chair of Governors may contact the complainant to remind him/her of the confidential nature of the process and the potential prejudice to fair investigation that can result from media involvement.

What if the complainant contacts their MP? The school should not alter or conclude the complaints procedure just because a complainant contacts their MP. MPs are normally conversant with school complaint policies and will usually point the complainant in that direction. Where the MP contacts the school they will be advised of the relevant process and, if the complainant wishes, of the outcome of the complaint at the end of the process.

What if the parent or school asks for the support of the Local Authority? The Local Authority has no formal or statutory role in responding to complaints which must be directed to the school. The Local Authority may be involved in a complaint only in the following ways:

- In providing impartial procedural advice to headteachers, governors and sometimes complainants as necessary, including attendance at review panel meetings when requested by the school;
- Assisting in a mediation role where both parties agree that this offers a possible way forward as an alternative to more formal procedures;
- In investigating a complaint on behalf of the Governing Body where there is a need for an independent investigator, either in response to a governor view that it is necessary in a particular case to demonstrate the impartiality of the process, or because the subject matter is sufficiently complex or technical to require a higher level of experience or expertise. The Governing Body may consider requesting an independent review if the complainant provides sufficient evidence that there would be bias in the proceedings if the review was carried out by a governor.

What if the complainant refers the complaint to Ofsted? Ofsted does not investigate individual complaints, though they will record the complaint for information for the lead inspector when the school is next inspected. If there is a safeguarding component to the complaint then Ofsted will usually refer the matter to the Local Authority where it will be reviewed by a Leadership Adviser and/or the Local Authority Designated Officer (LADO), as appropriate.

What is a duplicate complaint? If a second complaint is received, about the same subject, from a third-party e.g. spouse / grandparent, the new complainant may be informed that the school has already considered that complaint and the local process is complete. The new complainant should be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint. Schools should take care not to overlook any new aspects to the complaint that may not have previously considered; these must be investigated and dealt with to the full extent of the complaint's procedure.

How should records be kept through the complaints process? There are a number of aspects to this:

- Correspondence, statements and records relating to individual complaints will be kept confidential. No one should share a complaint beyond those who have a role in handling it. Any disciplinary action that might follow the investigation of a complaint is a matter of employment law for employees and of conduct for governors and volunteers. Subsequent action will not be revealed to the complainant. Individuals have certain rights under the Data Protection Act to see their personal data, including records about them.
- A written record will be kept of all complaints made about the school, along with details of whether the issue was resolved following a formal procedure, or progression to a panel hearing.
- The school will record the actions it takes as a result of complaints (regardless of whether they are upheld).
- The Clerk should take minutes of the panel review meeting. These records should be available to the complainant if requested. If attending, there is no reason why the complainant should not make notes during the meeting if s/he wishes.
- The complainant may wish to take a recording of meetings, including a recording of the governor's review meeting where governors have agreed to a face-to-face review. However, it should be made clear to complainants that recordings are not permitted without the prior consent of everyone who is present. Recordings change the character of a meeting and usually increase tension between the parties – therefore we do not advise that these are allowed. Participants in meetings should be reminded that modern technology facilitates concealed recording.

What if the Chair of Governors considers the complaint to be vexatious? These would be cases where the complainant persists unreasonably with complaints, or who deliberately seeks to make life difficult for school leaders/governors, rather than genuinely trying to resolve the complaint. The school should refer to the serial and persistent complaints policy (Appendix 2 of the model policy). This is a difficult area, particularly where harassment might be disguised as complaint, and it is recommended that the Chair discuss this with one of the Leadership Advisers before taking an action.

What if the complainant believes the panel to be biased? Schools must make sure that complainants are treated fairly and that a panel is unbiased. Governors should have no prior detailed knowledge of a complaint if they are to sit on a panel. Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. However, they should provide evidence of bias in support of their request, as it is the Chair of Governor's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that such requests are granted.

How do panels avoid accusations of bias? Persons who have a conflict of interest should not take part in the complaints process, including proceedings of Governing Body meetings and committees. If there's any reasonable doubt as to a person's ability to act impartially,

they should withdraw from considering the complaint. Where a governor has a financial interest in any related matter, they should also withdraw. When making decisions, governors must not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done but be seen to be done.

What if the school receives duplicate complaints? If a duplicate complaint is received at the end of the complaints procedure from a spouse, a partner, a child or a grandparent for example and the complaint is on the same subject, the new complainant will be informed that the complaint and the local school process is concluded. If any new aspects are introduced, these will be investigated.

What if the school perceives there is a complaint campaign? If the school becomes the focus of a complaint campaign and receives large volumes of complaints based on the same subject or from complainants unconnected with the school, the school will either send a template response to all complainants or publish a single response on the school website that is signposted in writing to all complainants involved.

Is the role of the governor's review panel to establish whether the previous investigations were conducted appropriately? No. Whilst the third stage may, in the course of its discussions, consider the handling of the complaint at earlier stages, the governor's review panel should consider the complaint afresh.

Is there a threshold that must be met before a complaint escalates to the governor's review panel? The complaints procedure must not state that a complaint can only be escalated to the next stage if the school permits it. Complainants should be given the opportunity to complete the complaints procedure in full, unless you possess clear evidence that the complaint meets your published serial complaint criteria.

What do I need to publish on the school's website about concerns and complaints?

Under Section 29(1)(b) of the Education Act 2002, complaints procedures must be publicised.

Following changes to the School Information (England) Regulations 2008, since 1 September 2016, maintained schools must publish their complaints procedures on their websites.

It is recommended that copies of the procedure and the complaints forms should be readily available from the school (ideally without a potential complainant being asked the reason why it is being requested). The procedure and complaints form must also be on the school's website (ensuring that it is easy to find through a link from the home page).

In the case of federation schools, the federation's Governing Body is responsible for creating a suitable complaints procedure. The federation's Governing Body must also ensure that each school in the federation publishes the complaint procedure on their school's website.

Can I use mediation to help resolve the complaint? Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed

It should not be used as a substitute for an investigation during the formal stages of the complaints procedure. If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaints procedure.

Can legal representation be sought? Governor review panels are not a form of legal proceedings. The aim of the governors panel should be:

- reconciliation;
- to put right things that may have gone wrong.

There are occasions where legal representation may be appropriate e.g. if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation. If a complainant commences legal action against the school in relation to their complaint, you should consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

What if we can't agree dates for meetings? A panel of governors must aim to meet within the required timescales. If the complainant is being invited to attend, provided that reasonable attempts have been made to accommodate complainants with dates for complaint meetings and they refuse or are unable to attend you can:

- convene meetings in their absence;
- reach a conclusion in the interests of drawing the complaint to a close.

How must we communicate the outcome? The complainant should be informed of:

- the conclusion and reasons for any decisions in writing
- any further rights of appeal

How often must we review the policy? Schools are advised to review this policy approximately every 3 years, to take into account any:

- legislative changes
- new guidance

As a Local Authority we will aim to revise our policy within this timescale too.

You may delegate responsibility for reviewing the complaints procedure to a committee of the Governing Body/ an individual governor/ the Headteacher, albeit we recommend it is reviewed by the entire Governing Body.

Projected review dates should be set out in the complaints procedure. Failure to do so could constitute a failure to adhere to the procedure.

Resource 1: Guidance for the Chair of Governors in investigating a complaint

Chairs should be aware of the information in the **model policy**. This includes:

- If the Chair of Governors doesn't have the capacity to investigate, this can be delegated to another member of the governing body. The policy says: *The Chair of Governors may delegate the investigation into the complaint to another member of the Governing Body, but not the decision to be taken.* In practice this means the entire investigation can be undertaken by another governor, but the conclusions are 'signed off' or agreed by the Chair.
- Timescales for a response
- The option of contacting the complainant via a telephone call or proposing a meeting to consider the issues raised. We advise contacting the complainant when possible, as this can help the complainant feel they are being 'heard' and their concerns are being taken seriously. This also provides the opportunity to explore with the complainant what they think might resolve the issue. However, we have not included in the policy that the Chair will always contact the complainant, in the event that this does not happen.
- What an investigation might involve and look at.

The **general advice in approaching an investigation** is:

1. Try to identify the key element(s) of the complaint - what is it the complainant is concerned about? What are the specific issues?
2. Then consider the sources of evidence you can use – what do you need to look for, who do you need to speak to or hear from etc. (see box below)

Possible sources of evidence which might apply to any complaint investigation

- **Staff** – could be asked to provide a written account, at least initially, which you then discuss/explore further in a follow up discussion if required.
- **Pupils** – it is likely they may already have provided accounts of what happened. These may be written or may be notes held by staff after speaking with them. If not, school staff could ask them to provide these. We wouldn't advise Governors to speak directly to pupils regarding a complaint investigation, as they are unlikely to know you. If follow-up is required, this could be done by a member of the school's staff.
- **School records** – the school will have various written records and documents including behaviour incident logs, safeguarding incident logs, First Aid logs, attendance records, pupil reports, pupil data, risk assessments etc.
- **Communications records** – the school should be able to provide copies of all relevant emails between the school and the parent, records of phone calls, meeting notes etc.

3. Write a reply, explaining your findings. Essentially, your reply should:
 - **Summarise the details** of the complaint itself – what were they concerned about?
 - **Respond** on each of the points – ie what has the investigation found out, what does the evidence show etc

- Draw a **conclusion** on each aspect? (ie to what extent is the complaint upheld, or to what extent is there any evidence to support any of the claims made by the complainant?)
- Explain if the school has **reflected**, or learnt anything, or changed any procedures as a result? (this might be true, even if the complaint itself isn't upheld).

Do consider how the response can have a 'human' tone, and show empathy, especially if the complaint isn't upheld. Whilst your reply should be 'formal' it need not be unfriendly, stilted or terse. This may help avoid a complaint simply going onto the next stage.

Please see a draft letter format you may wish to use in Resource 3. **Please note** - if you think changes need to be made to school systems or procedures, you are advised to ensure you have discussed them with the Headteacher either during or immediately following your investigation, and before writing to the parent. The worst thing would be to explain to the complainant that you are recommending a specific change, only to discover some new information you might not have previously been aware of, which means it is impossible to do, or it causes significant concerns for your Headteacher!

Your role as the Investigator (based on advice from the DfE):

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.
 - gathering and /or considering evidence from staff and children/young people and other people relevant to the complaint – this might involve reviewing written statements and/or interviewing witnesses as appropriate.
 - consideration of records and other relevant information.
 - analysing information.
- liaising with the complainant 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 possibly 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 written response to the complainant.

Investigation Record

| | |
|--------------------------|--|
| School: | |
| Summary of Issue: | |
| Date Raised: | |
| Complainant: | |

| Full Complaint details: | | | | |
|---|---------------------|--------------------|--|--|
| Investigator summary of key issues: | | | | |
| Evidence to consider: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <th style="width: 50%;">Documents to review</th> <th style="width: 50%;">People to speak to</th> </tr> <tr> <td style="height: 60px;"></td> <td style="height: 60px;"></td> </tr> </table> | Documents to review | People to speak to | | |
| Documents to review | People to speak to | | | |
| | | | | |
| Evidence Review | | | | |
| Evidence 1: | | | | |
| Evidence 2: | | | | |
| Evidence 3: | | | | |
| Evidence 4: | | | | |
| Evidence 5: | | | | |
| Evidence 6: | | | | |
| Evidence 7: | | | | |

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| |
| Evidence 8: |
| Thoughts, comments, issues: |
| Conclusions and Recommendations |
| Conclusions: |
| Recommendations: |

Resource 3: Template acknowledgement letter from the Chair of Governors

Please note:

- *this letter could also be sent as an email.*
- *this letter could also be sent by the Headteacher at Stage 1. However, the Headteacher may prefer to send a more informal written acknowledgement response, along the lines of ‘thank you for your formal complaint which I have received on (date). I will respond to you in writing as soon as I can, but in any case, by (insert date within 10 school days from date of receipt).*

I am writing to acknowledge receipt of your complaint dated [insert date] that was received on [insert date]. Please be assured that our school takes all complaints very seriously and all complaints are investigated thoroughly.

As Chair of the Governing Body I will now investigate your complaint. As part of this process, it would be very helpful if I could arrange a time to telephone you / meet with you to ensure I have a clear understanding of your concerns and the issues raised.

Add further details about when you are available or how you will make contact to arrange this.

Wherever possible, I am committed to ensuring the timescales within the Governing Body’s Complaints Procedure are adhered to. Therefore, I expect that you will have received my response by [insert date that is 10 school days from date of receipt]. However, if the complaint requires more time to consider than the standard 10 school days laid out in the policy, I will let you know, indicating when you can expect to hear from me.

This is a confidential matter and I want to reassure you that I will not be discussing this with anyone other than you and those I need to see or speak with as part of the investigation. Please could I ask you likewise to keep this matter confidential, so the investigation is not prejudiced in any way (for example by social media).

Optional: The person responsible for the administration of the complaint is [name] who is Clerk to the Governing Body. His/her role is to ensure that the timescales are being followed and to update you on the progress of your complaint.

I trust that the above is clear. If you have any queries in the meantime, then please don’t hesitate to contact me via email at or via the Clerk to the Governors at

Yours sincerely

[insert name]
Chair of the Governing Body/Designated Governor

Resource 4: Template response letter to complainant by the Chair of Governors/Designated Governor

Further to our meeting/discussion on (insert date) OR Further to your letter dated (insert date), I have now had the opportunity to investigate the concerns you have raised with me.

I have interpreted your key concerns as follows:

(insert a summary or a numbered list of issues raised.)

During the course of this investigation I have

(insert a summary of actions taken or evidence considered – eg spoken with, reviewed written accounts from, reviewed a number of documents, including

Having considered all of the evidence collected, I will now address each of your concerns in turn.

Here the letter needs to cover the key issues you have identified, and for each, explain:

- the evidence reviewed
- your conclusions about what happened or occurred
- the extent to which you consider each aspect of the complaint should be:
 - upheld in whole or in part
 - dismissed in whole or in part.

Having therefore considered each of these issues, my overall conclusion is therefore

However,

Here in the letter you could:

- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to or a review of the school's systems or procedures to ensure that problems of a similar nature do not recur).

I hope that you are satisfied that your concerns have been addressed appropriately.

However, if you are dissatisfied with the outcome please contact the Clerk to the Governing body at insert contact details to request the complaint is reviewed by a Governor Review panel. This should be done within 10 school days of receipt of this letter. Should you require any further details please contact the Clerk.

Yours sincerely,

[insert name]

Chair of the Governing Body/Designated Governor

Resource 5: Complaint review request form

| Please provide your details | |
|--|-------|
| Full name | |
| Address (including postcode) | |
| Email address | |
| Phone number | |
| Review of Complaint: Please explain why you would like a Governor panel to review your complaint. For example, do you consider that: <ul style="list-style-type: none"> • not all aspects of the complaint have been addressed. • not all available evidence has been considered. • not all relevant witnesses have been approached. • the decision has not been adequately justified or explained. | |
| | |
| Resolution: What would represent for you an acceptable resolution to the complaint? | |
| | |
| Further Information: Do you have any further relevant information to add? | |
| | |
| Signed: | Date: |

Resource 6: Template acknowledgement letter from Clerk

I am writing to acknowledge receipt of your letter of (insert date) and to let you know how your request will now be dealt with.

A Governors' Review Panel meeting will now be held. The panel will be made up of at least 3 governors who have no prior knowledge of the details of the complaint.

The role of the panel is to consider afresh the complaint and the evidence presented. The committee can:

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

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

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

You will be notified in writing of the decision of the panel within 5 school days of the panel meeting.

I will be acting as clerk to the panel, and it is my responsibility to make all the necessary arrangements for the meeting and to take the notes of the meeting. I will not take part in the discussion apart from offering procedural guidance where necessary.

Use this paragraph for a paper based review meeting (i.e. complainant not invited)

The panel will have access to your original complaint, any prior responses to it, your completed Governor Panel Review Form and any relevant additional documents which may have been used as evidence for the original investigation. If you believe you have omitted any relevant information from the Governor Panel Review Form you have already submitted, then please let me have such information within 5 days of receipt of this letter.

OR

Use this paragraph if the complainant is to be invited to attend the panel

You are invited to attend the meeting and to present your complaint if you wish, and you may be accompanied by a friend to provide support if that would be helpful to you. If you wish to be accompanied, then please let me know the name of the person who will be accompanying you, and their relationship to you. If you believe you have further information which you would want to present to the panel in addition to the details provided on the Governor Panel Review Form which you have already submitted, then please let me have such information within 5 days of receipt of this letter. This information will be circulated to the panel in advance of the meeting.

I will contact you again soon to discuss the date, time and venue for the meeting but in the meantime if you have any questions in connection with this matter, then please don't hesitate to contact me.

Yours sincerely

Name

Clerk to the Governing Body

Resource 7: Guidance for operation of the stage 3 complaints panel

The role of the committee is clear in the policy. The committee needs to consider the complaint and all the evidence presented. The committee can:

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

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

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

The panel meeting together with the written outcome concludes the complaints process for the school.

Guidance for the Clerk:

Your role, as described on page 6 of this guidance and within the complaints policy itself is to liaise with the complainant, ensure a smooth flow of information, support the panel, and make sure the process is completed according to the published policy.

During the meeting you should try to record notes of the discussions in the minutes. Please be aware that these may be read by the complainant.

DfE guidance recommends that copies of the minutes are issued to the complainant, and they note that failure to do so may lead to a further complaint. They may also be entitled to them, subject to any necessary redactions, under the [Data Protection Act 2018](#) and [GDPR](#). Whilst we want to remain aligned with DfE guidance wherever possible, we don't currently recommend that these minutes are automatically sent to the complainant. Given that the panel will be sending a reasoned outcome letter to the complainant, then the minutes can instead be made available on request.

Clearly there can be both advantages and disadvantages to sending out the panel minutes to the complainant, and the decision therefore ultimately rests with the panel.

Should the panel invite a Local Authority Adviser?

Section 3.10 of the complaints policy says: *A Local Authority adviser may be invited to the meeting, at the discretion of the governors*. This is clearly a decision for the panel to make, advised by the Clerk. The Chair of Governors may also have a view on this.

If invited, an adviser will:

- read the relevant paperwork ahead of the meeting
- advise and support the panel during the meeting, including helping ensure the evidence is reviewed thoroughly and objectively
- offer advice and support in communicating the findings to the complainant.

The adviser will not of course take part in any of the decision making in respect of the complaint itself.

The benefits of inviting an adviser are that the panel has access to a former Headteacher to advise them; someone who is experienced in attending and supporting panel meetings. The presence of an adviser might provide reassurance to both the panel and the complainant that the complaint has been reviewed thoroughly and objectively. It may also help save the panel time and improve the quality of the outcome letter to the complainant.

There is, however, a charge applied for this support. Please contact one of the advisers named on the first page of this document if you would like to access this support, which schools have in the past found very helpful.

The role of the Panel Chair:

The panel chair, who may be nominated in advance of the meeting, should ensure that:

- the issues are addressed.
- evidence is reviewed carefully and objectively.
- key findings of fact are made.
- the committee is open-minded and acts independently.
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- minutes are taken of the meeting.
- they liaise with the Clerk over the final response to the complaint

If the complainant and other parties are invited to the meeting, the panel chair should ensure that:

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- the remit of the committee is explained to the complainant (if invited)
- 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 or unexpected issue arises it may be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting. The meeting could also of course be adjourned temporarily if the complainant or any other participant requires a break.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.

The role of panel members:

Panel members should be aware that:

- the meeting must be independent, impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

If the complainant is invited to the meeting:

- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and

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

Guidance for the panel – what will you do:

1. The panel must first identify what the key element(s) of the complaint are - i.e.:
 - a) what is it the complainant is concerned about? What are the specific issues?
 - b) what are the key issues that the panel will therefore consider? It will be helpful for the panel to note these clearly.
 - c) what resolution is the complainant looking for?
2. What evidence do the panel have to consider:
 - what written evidence has already been supplied?
 - does the panel have everything it requires? (if not, it may have to reach partial conclusions and reconvene to finalise them later)
 - will the panel be likely to require any further evidence to help them reach conclusions?
3. The agreed panel chair then needs to lead the meeting so that the group consider the complaint and all the evidence presented. The meeting can be structured by focusing separately on each of the specific key issues identified. Panel members should aim to develop a clear understanding of the issues and events surrounding the complaint. The panel should review the evidence presented, and draw conclusions, on the balance of probability, about each of the key issues identified. As noted in the policy, the panel can:
 - uphold the complaint in whole or in part.
 - dismiss the complaint in whole or in part.

The final conclusions may not always be so clear cut, and panels may wish to draw more nuanced conclusions than might be suggested by the two bullet points above.

4. As noted in the policy, if the complaint is upheld in whole or in part, the committee will:
 - decide on the appropriate action to be taken to resolve the complaint.
 - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

A word of warning for panels here: Whilst panels should remain objective, they are cautioned not to recommend significant changes to school's systems or procedures in complete isolation from the Headteacher, since they may be unaware of specific reasons why certain systems or procedures exist. Governors have a responsibility for the well-being of their Headteachers and should be mindful of recommending significant changes accordingly. Panels are therefore advised to be cautious in this regard, and if they need to, recommend **reviews** of certain procedures to ensure certain objectives or outcomes are met, rather than **specific changes** per se. This also allows them to remain strategic rather than become engaged in operational matters.

5. The panel then needs to draft a letter (from the panel chair) to the complainant with a full explanation of their decision and the reason(s) for it. A template letter is provided to assist with this in Resource 9. Whatever the outcome of the panel review, panels are advised to ensure the letter is 'human' in tone and expresses empathy for the complainant. Any complaints process can be stressful for the complainant (as well as staff and governors involved) and so an empathetic tone, expressing a desire to move forwards in a positive way is advised, whatever the outcome.
6. It will then be up to the complainant the degree to which the response letter is accepted. However, the panel will have fulfilled its role, and this must conclude the process.

Outline agenda for the panel:

1. Introductions, including:
 - Electing a chair (unless already previously identified)
 - Role of the clerk (taking notes of the discussion, supporting with the drafting of an outcome letter, further communication with the complainant)
 - Role of the LA Adviser (if invited for procedural advice)
2. Ensure the panel are clear on and in agreement over:
 - Each of the key element(s) of the complaint
 - The resolution the complainant is looking for
3. Look at each key issue in turn, and for each:
 - Review the evidence presented – in the original complaints form and panel review form, the Headteacher and Chair of Governor's response, and any relevant additional documents which may have been used as evidence for the original investigation.
 - Draw conclusions, on the balance of probability, about each of the key issues identified – to what extent is each concern upheld?
 - Consider if there is any action which should be taken to resolve the complaint, and/or if there should be a review of any of the school's systems or procedures to prevent similar issues in the future.
4. Conclude the meeting by considering the mechanism for writing the response and communicating the panel findings to the complainant.

Resource 8: Stage 3: Sample panel meeting agenda A (panel review meeting inviting participants separately)

This is an example meeting agenda to which the complainant and other parties are invited, but attend separately, to support the participants and reduce the potential for the meeting becoming adversarial in nature.

Note: Items 8-10 on the agenda are optional, depending on the context of the complaint and the nature of the responses to it.

Agenda for Governor Complaints Panel

Date:

1. Panel convenes to consider the nature of the complaint, the key issues they are likely to have to consider, and the scope of the written evidence already available.
2. The complainant joins the panel. After welcome and introductions, the complainant is invited to explain the complaint and resolutions sought.
3. Opportunity for questions for the complainant from the panel.
4. Closing remarks from the complainant, and the complainant leaves the meeting.
5. The Chair of Governors joins the panel. After welcome and introductions, the Chair of Governors is invited to explain their response to the complaint.
6. Opportunity for questions for the Chair of Governors from the panel.
7. Closing remarks from the Chair of Governors, and the Chair of Governors leaves the meeting.
8. The Headteacher joins the panel. After welcome and introductions, the Headteacher is invited to explain their response to the complaint.
9. Opportunity for questions for the Headteacher from the panel.
10. Closing remarks from the Headteacher, and the Headteacher leaves the meeting.
11. The panel continues to meet to reflect on and review the evidence presented and consider their decision.

Resource 9: Stage 3: Sample panel meeting agenda B (panel review meeting inviting participants at the same time)

This is an example meeting agenda to which the complainant and other parties are invited.

Note: Items 6, 7 and 10 on the agenda are optional and may be combined with items 4, 5 and 9 depending on the context of the complaint and the nature of the responses to it.

Agenda for Governor Complaints Panel

Date:

Invitees: Panel members, complainant, Chair of Governors, Headteacher, any witnesses as required

1. Introductions by the Chair of Panel
2. The complainant is invited to explain the complaint and resolutions sought.
3. Opportunity for questions for the complainant from the panel and/or from the Chair of Governors and the Headteacher
4. The Chair of Governors is invited to explain their response to the complaint.
5. Opportunity for questions for the Chair of Governors from the panel and/or from the complainant and the Headteacher
6. The Headteacher is invited to explain their response to the complaint.
7. Opportunity for questions for the Headteacher from the panel and/or from the complainant and the Chair of Governors
8. Closing remarks from the complainant
9. Closing remarks from the Chair of Governors.
10. Closing remarks from the Headteacher.
11. Invitees leave the meeting. The panel continues to meet to reflect on and review the evidence presented and consider their decision.

Resource 10: Stage 3: Template letter of panel outcome to complainant

I am writing to inform you of the outcome of the Governors Review Panel meeting held on **date**. The meeting was attended by:

- **(List participants and roles)**

For your information, at the start of the meeting the Clerk to the Governors confirmed that the above governors were eligible to consider the case presented as they had no prior detailed knowledge of the case.

As noted in the school's Complaints Policy, the remit of the Panel was to consider afresh the complaint and the evidence presented, in order to consider whether the complaint should be upheld in whole or in part or dismissed in whole or in part.

Firstly, the Panel would like to thank you for raising your concerns and giving them the opportunity to discuss the issues at length in order to hopefully ensure a positive outcome for all involved, and in particular **pupil name**.

OR, if the complainant attended the panel meeting:

Firstly, the Panel would like to thank you for attending the panel to raise your concerns and for giving them the opportunity to discuss the issues at length in order to hopefully ensure a positive outcome for all involved, and in particular **pupil name**.

The panel considered the following evidence both in preparation for, and during their discussion:

- **List the specific evidence considered**

The panel considered the key elements of your complaint to be as follows:

- **Number/list the key issues**

I will now address each of these concerns in turn.

In the next sections, include a very brief summary of the panel discussion and consideration around each issue, and sum up the extent to which that aspect of the complaint is upheld

In conclusion therefore ...

sum up the conclusions of the panel

The hearing of your complaint by the Panel ends the formal procedures set out in the school's Complaints Procedure. However, if you believe the school did not handle your complaint in accordance with the published complaints procedure or we acted unlawfully or unreasonably in the exercise of our duties under education law, you can contact the Department for Education (DfE). The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The DfE can be contacted online at [Contact the Department for Education \(DfE\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk), or by telephone on 0370 000 2288.

Yours sincerely,

Name

Chair of the Governor Review Panel of **(Name of school)**

The Decision to Stop Responding - decision making form.

This template meets the DfE guidance on when to stop responding [Best practice guidance for school complaints procedures 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/best-practice-guidance-for-school-complaints-procedures-2020)

Schools should take every reasonable step to address complainant's concerns and should maintain their role as objective arbiters throughout the process. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed. **If the complainant contacts you again on the same issue**, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond.

If the complainant continues to contact the school in a vexatious or malicious manner, the school should:

- inform the complainant in writing that their behaviour is now considered to be unreasonable by the school, and if not modified, action may be taken.

The school may also:

- implement a tailored communication strategy.
- inform the complainant that all meetings with a member of staff will be conducted with a third person, nominated by the Chair of Governors, present and that notes of meetings may be taken in the interests of all parties.
- suggest that the complainant engage a third party on their behalf.
- inform the complainant that they may only deal with the Head Teacher or member of staff via a third party, to be identified by the Chair of Governors, who will investigate and determine whether the concern/complaint is reasonable or vexatious and advise the Head Teacher accordingly.

| | |
|-----------------------|--|
| Parent's name: | |
| Date: | |

| The decision to stop responding should never be taken lightly. You need to be able to say yes to all the following: | YES | NO | MAYBE |
|--|------------|-----------|--------------|
| ... every reasonable step has been taken to address the complainant's concerns. | | | |
| ... a clear statement of the school's position and options open to the complainant have been provided. | | | |
| ... the complainant contacts you repeatedly, making substantially the same points each time | | | |
| The case to stop responding is stronger if you agree with one or more of these statements: | | | |
| ... their letters, emails, or telephone calls are often or always abusive or aggressive. | | | |
| ... they make insulting personal comments about or threats towards staff. | | | |

| | | | |
|---|--|--|--|
| ... you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience. | | | |
| <u>The DfE are clear that you should not stop responding just because an individual is difficult to deal with or asks complex questions.</u> | | | |

| Decision | Tick one |
|---|----------|
| No action taken – keep under review | |
| Inform the complainant of the school's intention to stop responding | |
| Stop responding | |
| Rationale for decision taken: | |

Signed: (Headteacher)

Date: