

COMPLAINTS POLICY

Policy Aim and Statement

We believe there is a free flow of information between home and school but recognise there may be times when misunderstandings or concerns arise. In any event it is important you do not keep a problem or concern to yourself but approach the school.

This Complaints Policy helps underpin the ethos of the Willow Learning Trust. Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently at the appropriate level and resolved as soon as possible. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally and concerns ought to be handled, if at all possible, without the need for formal procedures. The policy applies to complaints from people who are parents/carers of students attending any of the academies at the time the complaint is made, or from people who are accessing services from the Trust at the time the complaint is made.

The formal procedures below will need to be invoked when initial attempts to resolve the issue are unsuccessful. Parents and pupils should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the pupil's future at the school or place the pupil at a disadvantage in any way.

Application

The Trust will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the systems and procedures in the schools within the Trust in the light of the matters raised. Doing so is good practice, fair to those concerned and helps to promote parents' and pupils' confidence in the Trust's ability to safeguard and promote welfare.

The procedures in this policy are in line with advice given by the Department for Education (DfE) as well as equality legislation and the rules of natural justice, as detailed in Appendix A. In the case of any variance between the procedure outlined in this Complaints Policy and the Education Regulations, the procedure outlined in the Regulations will apply.

There are separate procedures for the following three areas that must be followed:

1. Admission to a school;
2. Failure to assess a child's special educational needs; and
3. The Exclusion of pupils.

This policy applies to any matter (other than the three outlined above) which has been raised with a school by parents or carers of pupils. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures, which are strictly confidential, rather than under this Complaints Policy.

Terms Used

For the purpose of this Complaints Policy, a "parent" includes the natural or adoptive parent of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the pupil lives with them, whether they have parental responsibility for the pupil or whether they have contact with the pupil.

A "parent" will also include a non-parent who has parental responsibility for a pupil, an adult non-parent with whom the pupil lives, and an adult who is involved in the day-to-day care of the pupil (for example, collecting or dropping off the pupil from school).

Any reference to a "pupil" will also include a prospective or former pupil of the School.

A person making a complaint will be referred to as a "Complainant" throughout this Complaints Policy.

Procedure

The Trust's complaints procedure consists of four stages:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Headteacher/Principal (or designate) of the school concerned;
- Stage 3 – Complaints formally reviewed by the Chair of the Local Governing Body of the school concerned (or designate);
- Stage 4 – Complaint Panel Hearing by Trustees;

Time Limits

The schools within the Trust aim to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. This excludes weekends, school holidays, bank holidays and staff training days. For the avoidance of doubt, term dates are published on the individual school websites, and information about term dates is made available to parents and pupils periodically.

Although every effort will be made by the school to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the school will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Stage 1: Informal Discussions with Teacher/Tutor/Member of Staff concerned

The first point of contact for a specific concern should always be the appropriate teacher. It is preferable if you can agree a time and place to discuss your concerns in peace and quiet rather than at a time when the teacher concerned is possibly surrounded by other children and/or parents. This could be a telephone conversation at an agreed time.

- **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Class Teacher, Head of Year, Head of Department, SENCo, or member of SLT as appropriate.
- **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should speak to the Class Teacher, Head of Year, or member of SLT as appropriate.
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Class Teacher, Head of Department, or member of SLT as appropriate.
- **Financial and administrative matters** – a query relating to payments, extras or other administrative matters should be raised by the Complainant with the School Finance Officer at the school concerned.
- **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to another designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should

put their complaint in writing to the Headteacher/Principal of the school concerned under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix B of this Complaints Policy to submit their complaint formally.

We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction. This stage of the procedure should, where possible be completed within **fifteen school days** of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

Stage 2: Formal Complaint to the Headteacher/Principal

If following informal discussions, the complainant wishes an investigation to be undertaken by the school, the details should be set out in writing to the Headteacher/Principal at the relevant school. Should a formal written complaint be received by another member of the school's staff, they will immediately pass this on to the Headteacher/Principal. The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the school should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

The formal complaint will be acknowledged in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

The Headteacher/Principal will be provided with the records of the Stage 1 informal procedure (if applicable) within **five school days** of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher/Principal will speak to the persons who were involved in the matters raised by the Complainant. If requested as part of an investigation into a complaint, an independent member of staff may be present to offer support when pupils are spoken to. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of pupils, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Headteacher/Principal deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

The Headteacher/Principal will write to the Complainant confirming the outcome of the investigation within **twenty school days** from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher/Principal during the course of the investigation, and the conclusion reached. In appropriate cases, the Headteacher/Principal may delegate the complaint to a member of the Senior Leadership Team at the school concerned to deal with in accordance with the procedure outlined above.

Stage 3: Review by the Chair of the Local Governing Body

If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the **Clerk to the Local Governing Body** asking for the complaint to be reviewed by the Chair of the Local Governing Body, within **five school days** of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should **clearly set out how and why** they do not accept the findings made under Stage 2.

The Complainant's letter will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

The Chair of the local Governing Body will be provided with all documentation relating to the complaint **within five school days** of receipt of the letter requesting a review under Stage 3. The Chair of the Local Governing Body will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Chair of the Local Governing Body will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Chair of the Local Governing Body does speak to a pupil or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the Chair of the Local Governing Body deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution. In appropriate cases, the Chair of the Local Governing Body may delegate the review to a member of the Governing Body to deal with in accordance with the procedure outlined above.

The Chair of the Local Governing Body will write to the Complainant confirming the outcome of the review within **twenty school days** from the date that the request for a review was received. The letter will set out whether the Chair of the Local Governing Body agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

Stage 4: Trustees' Complaint Panel Hearing

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the **Clerk to the Trustees** requesting a Complaint Panel Hearing by the Board of Trustees. The Complainant should write to the Clerk to the Trustees within **five school days** of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided but should **clearly set out how and why** the Complainant does not accept the findings made under Stages 2 and 3 and what they consider should have been done.

The Clerk to the Trustees will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant's request, unless there are exceptional circumstances. The Clerk to the Trustees will write to the Complainant confirming the date of the Complaint Panel Hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within **twenty school days** of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

Up to 3 dates will be offered for the Panel Hearing. If the Complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaints Panel will still proceed and the complaint will be heard in the Complainant's absence. The Panel will hear the complaint on the basis of written submissions only from both parties. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

If the Complainant wishes the Complaint Panel to consider any additional information relating to their

complaint, they should forward this documentation to the Clerk to the Trustees to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trustees to forward it to the School's Representative and the Complaint Panel members. This should not be used to make further complaints which are unrelated to the original complaint (except where the new complaint relates to the way in which the original complaint has been dealt with in the previous stages of the procedure). New complaints should be dealt with from Stages 1 or 2 in the usual way.

More details about the procedure related to Stage 4 can be found in Appendix C.

The Clerk to the Trustees will write within **10 school days** of the Complaint Panel Hearing to the:

- Complainant;
- The School's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The Clerk to the Trustees will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the relevant school's premises for inspection by the Board of Trustees and Chief Executive Officer.

Referral to the Education and Skills Funding Agency

The aim of the Complaint Panel Hearing will always be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. If the Complainant believes that the school concerned or the Trust has not followed the procedure in this Complaints Policy they can complain directly to the Education & Skills Funding Agency (ESFA) or the Secretary of State for Education.

The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency by pasting this page into an Internet browser:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

The Complainant should be aware that the Education and Skills Funding Agency will not investigate the complaint itself, or interfere with the findings of the Complaint Panel, rather investigate whether the school has complied with published complaints procedures.

Points to note:

Complaints involving the Headteacher, Principal, Executive Headteacher (primaries), or CEO

If a complaint involves the Headteacher/Principal of a school within the Trust or the Executive Headteacher (primaries) or CEO, stage 1 is fulfilled by the Complainant having direct discussions with the Headteacher/Principal or Executive Headteacher (primaries) or CEO. Where it is not possible to resolve the complaint through such informal discussions, the Complainant should set out the formal complaint in writing and send it to be investigated under stage 2. Please ensure you also send a copy of your complaint to the member of staff it relates to.

For the Headteachers/Principals of schools:

- Stage 2 will be investigated by the Chair of the Local Governing Body.
- Stage 3 will be reviewed by the CEO of the Trust.

For the Executive Headteacher (primaries) or any member of the LGB:

- Stage 2 will be investigated by the CEO of the Trust.
- Stage 3 will be reviewed by the Chair of the Trust Board.

For the CEO or any Trustee:

- Stage 2 will be investigated by the Vice-Chair of the Trust Board.
- Stage 3 will be reviewed by the Chair of the Trust Board.

Out of hours

Where the complaint or request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Chair of the Trust will endeavour to speed up the review wherever possible.

Late Complaints

It is best if complaints are made quickly once any informal procedures have been exhausted. Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the Trust reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the school decides that a complaint which was submitted late will not be investigated, the school will write to the Complainant notifying them of the decision within **5 school days** of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of the Local Governing Body at the school asking for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation relating to the complaint. The Chair of the Local Governing Body will **not** investigate the complaint itself during this review.

The Chair of the Local Governing Body will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received, and provide the school with a copy of the letter.

If the Chair of the Local Governing Body quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Complaints Policy in the usual way.

If the Chair of the Local Governing Body upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency.

In exceptional circumstances, the Chair of the Local Governing Body can delegate the responsibility for the review to another member of the Governing Body.

Vexatious or Repeated Complaints

The school reserves the right to regard the following types of complaints as vexatious and/or repeated:

- When, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the school
- When a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them.
- When a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure.

The school may refuse to investigate such complaints under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. Where the school decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within 5 school days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Governing Body to ask for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation surrounding the complaint, however will **not** investigate the complaint itself during this review.

The Chair of the Local Governing Body will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received.

If the Chair of the Local Governing Body quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of the Local Governing Body upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education & Skills Funding Agency.

In exceptional circumstances, the Chair of the Local Governing Body can delegate the responsibility for the review to another member of the Governing Body.

Anonymous Complaints

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

Data Protection and Freedom of Information

Complaints sometimes include requests for information or documentation. Such requests will either be a "subject access request" under the General data Protection Regulations 2018 (where the information requested relates to an identifiable individual) or a request for disclosure of information under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual). Such requests will be complied with as soon as practical, in accordance with the Trust Data Protection Policy and Freedom of Information Policy.

Retention of Records

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record at the school. A full written record will be maintained centrally at the school of all complaints dealt with formally from Stage 2 onwards, together with confirmation of how they were resolved and any action taken by the School as a direct result of the complaint, whether it was upheld or not.

Records of complaints will be destroyed when the pupil to which they relate reaches the age of twenty-four years or, in the case of a pupil with a statement of special educational needs, when the pupil reaches the age of thirty years.

Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

Publication

This Complaints Policy has been ratified by the Trust Personnel Committee and will be reviewed every 2 years. It will be published on the website of schools within the Trust and provided to parents and pupils on request by the schools. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

This policy was reviewed September 2021. The next review will be in **September 2023**.

Appendix A: Complaint Regulations and Principles

The schools within the Trust are governed by the Education (Independent School Standards) (England) Regulations 2010 (as amended) ("the Regulations"). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations, as well as equality legislation and the rules of natural justice. In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Trust will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information presented to the investigator;
- All decisions will be based upon logical conclusions, and not on mere speculation or suspicion;
- All decisions will be supported by detailed reasons which will be disclosed to all parties involved.

Equality Act 2010

The schools within the Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 and will comply with its duty to make reasonable adjustments for persons with a disability.

Resolution Principles

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It **may** be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology on behalf of the school;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

Appendix B: Formal Complaint Form

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

Your Name:	Pupil's Name:
Your Relationship to Pupil:	Pupil's DOB and Form:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:
<i>For Official Use:</i>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>

Appendix C: Stage 4 Complaint Panel Procedures

Panel members

The Complaint Panel will comprise of at least three people appointed by or on behalf of the Board of Trustees by the Clerk to the Trustees. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Trustees. The third Complaint Panel member will be independent of the management and running of the School, i.e. they will not be a member of staff, a local Governor or a Trustee, and will not be linked to the School in another way, for example as a parent of a pupil at the School. The independent Complaint Panel member will be the Chair of the Complaint Panel.

After selecting the Complaint Panel members, the Clerk to the Trustees will write to the Complainant within **five school days** acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Trustees within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

Attendance

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented. The Complainant will have the opportunity to state reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing.

The school concerned will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3, which will usually be the Chair of the Local Governing Body. This person will be referred to as the "School's Representative" for the purposes of Stage 4. The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Trustees.

Documentation

The Clerk to the Trustees will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Local Governors, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

Witnesses

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

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trustees **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trustees to forward it to the School's Representative and the Complaint Panel members.

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

or carers.

Members of staff of the school concerned involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

- **Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

Factors for the Complaint Panel to Consider

An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;

Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the School;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.