

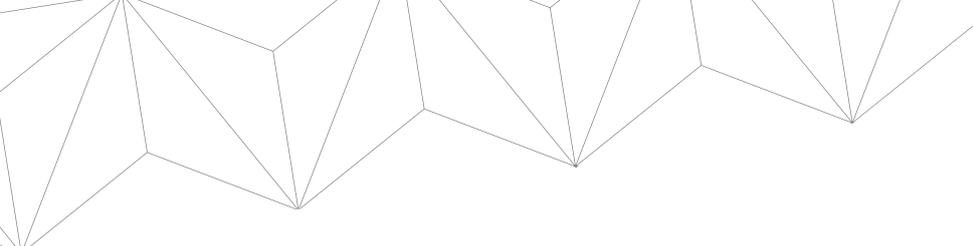


School Complaints

Model School Policy and Procedures: Guidance for Schools and Governing Boards

September 2019





Model Complaints Policy and Procedures

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Terminology

Throughout the model policy and procedures, the accountable body for the school or group of schools is referred to as ‘the board’. Further explanation is given below:

Governing Board	This applies to governing boards in maintained schools; full committees in PRUs and academy trustees/directors in academies/MATs.
School	This refers to schools, academies/MATs, PRUs and Neighbourhood Centres.
Headteacher	This refers to Headteachers, Executive Headteachers, Principals and Centre Managers.
Committee	This refers to the governing board committee meetings in maintained schools and academies/MATS and the full committee in PRUs.

Introduction

The Education Act 2002 (Section 29) requires all maintained schools and maintained nursery schools to have a procedure for dealing with complaints relating to the school, that are not covered by other statutory complaints procedures. The approved School Policy and complaint form must be published on the school's website with all the necessary school references added. It should also be freely available in hard copy should complainants request a copy

It is important that complaints are resolved as soon as possible. Therefore, schools should have in place arrangements for the acknowledgement, investigation process and response.

Guidance for schools and governing board is contained in the Appendices. The Appendices are for use by the School and Clerk to the Complaints Review Committee and must not be published as part of the school's approved Policy and Procedures. Although the model documents are presented as a PDF, they are also available from Governors Services as separate Word documents to enable the Governing Board to adopt the model or modify to meet the requirements of the individual school.

In summary:

To adhere to this model Policy and Procedures, all Governing Boards **must**:

- Have a School Complaints Policy.
- Have the Complaints Policy available via the school's website and, if requested, in a printed copy.
- Establish the process to appoint members to the Complaints Review Committee who may be required to review any formal complaints. The terms of reference and membership of the committee should be reviewed annually. (See appendix 2)

In addition, all Schools should maintain a Register of Complaints.

This model Policy and Procedures should be used for all complaints regarding the actions of a governor, the Chair of Governors or the Governing Board. (See Section 5 of the Policy.)

Note for Academies:

This model Policy and recommended Procedures has been prepared for Lancashire County Council maintained schools. Academies will be aware that they must have a Complaints Policy and Procedures in place. This includes a requirement that the action taken as a result of a formal complaint is recorded. The requirements for Academies are set out in the: **Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7.**

The status of this document is that Lancashire County Council is sharing it as an example of good practice.

Complaints Record

The School should maintain a written record of all formal complaints, how they were dealt with and the outcome in a Complaints Register. This Register will be required at an Ofsted Inspection. The Governing Board should be informed, in general terms only, of all formal complaints at the next full Governing Board meeting. This enables the Governing Board to establish if there were any lesson learned from the process.

The School should retain copies of all correspondence about concerns and complaints in accordance with their own information governance arrangements. These should be classed as confidential.

Any request for information contained in the school complaints record made under the Data Protection Act 2018 or the Freedom of Information Act 2000 should be referred to the schools Data Protection Officer and responded to within the appropriate timeframe.

Serious Allegations or Complaints

If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the County Council (and the Diocesan/Church Authority, if appropriate).

If the allegations relate to financial or accounting irregularities involving misuse of public funds, or assets, or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances; the Headteacher should inform the Chair of Governors and seek the advice of a representative of the Schools' HR Team and/or Director of Governance, Finance and Public Services to enable the complaint to be investigated under the procedures normally applied for suspected financial irregularities.

The Scheme for Financing Schools requires the Local Authority to be notified immediately of all such irregularities.

If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Authority's School Safeguarding Team, a representative of the Schools' HR Team and/or the Director of Governance, Finance and Public Services and/or other agencies such as Children's Social Care. Serious allegations of this nature must be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".

In all the above, consideration would need to be given to the possible suspension* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved.

***Note: Suspension is a precautionary measure and is not a disciplinary sanction.**

The Policy and Procedures for the Handling of Complaints at School

1. Introduction and Scope

We care about what you think

The Policy of this School is to work in partnership with parents/carers and the wider community. Therefore any person, including members of the public, can make a complaint. We try hard to do our best for all our pupils/students. Your views help us plan for the future. We like to know when things are going well. We also want parents/carers to tell us about their worries, concerns or complaints as soon as possible. It is much easier for the school to sort out a recent problem than something that happened some time ago.

Our commitment to you

- We will deal with your concern or complaint in a professional manner.
- It will be looked into thoroughly, fairly and as quickly as possible.
- We will keep you up-to-date with what we are doing.
- We will apologise if the school has made a mistake.
- We will tell you what we are going to do to put things right.

What to do first

If you have a concern about anything we do you can tell us by telephone, in person or in writing. If any of these are difficult for you, a friend or advocate can speak to the school on your behalf. Most concerns or complaints will be sorted out quickly either by putting things right or by explaining the School's actions to you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. We take our duties under equality law seriously and we encourage any person having difficulty accessing this procedure to contact us immediately in order that reasonable adjustments can be made.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the Review Stage of the procedure.

Try to go to the member of staff involved or your child's class teacher (primary and nursery schools)/your child's form tutor or head of year (secondary) who will either deal with your issue or pass you on to someone who is more able to help.

Please remember that the beginning or end of the school day can be a very busy time. If you talk to a teacher at these times, for practical reasons, it may not be possible to sort things out there and then. Be prepared for them to make an appointment to see you/to ring you at a more convenient time.

In considering concerns or complaints, the School will ensure that they are dealt with effectively and with fairness to all parties. Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in section "6(ii)" will be followed. Where your concern or complaint is considered sufficiently complex or serious, the school may choose to investigate formally from the outset.

2. What is a concern or a complaint?

- (a) A concern or a complaint is defined as:
- An expression of dissatisfaction about the conduct/operation of the School.
 - The conduct of, actions or lack of actions by a member of staff/the Governing Board/an individual governor.
 - Unacceptable delay in dealing with a matter or the unreasonable treatment of a pupil or other person.
- (b) This procedure does not cover complaints or concerns that are dealt with under other statutory procedures, including those listed in the following table, as separate procedures apply.

Note:

- i) Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. The table following is not exhaustive, and separate procedures may exist for other categories.
- ii) For complaints regarding governors, the school will follow this Policy to resolve the issue.

These procedures do not cover	Who to contact
Admissions to schools Appeals for schools	Concerns about admissions/appeals, should be raised with Lancashire County Council (Pupil Access Team) Email: ESCPupilAccessCentral@lancashire.gov.uk Tel: 0300 123 6707
Inclusion Service: Statutory assessments of Special Educational Needs and Disabilities (SEND)	Concerns about Special Educational Needs and Disabilities, should be raised with Lancashire County Council Tel: 0300 123 6706 Email: enquiries@lancashire.gov.uk
School reorganisation proposals	Concerns school re-organisation proposals should be raised with Lancashire County Council (School Place Planning Team) Email: schoolplanning@lancashire.gov.uk
Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Email: MASHeducation@lancashire.gov.uk</p>
School Exclusions *	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>Concerns about exclusions should be raised with Lancashire County Council (Pupil Access Team) Email: ESCPupilAccessCentral@lancashire.gov.uk Tel: 0300 123 6707</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to the school's behaviour policy which is located on the school website.</p>

These procedures do not cover	Who to contact
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to Lancashire County Council or the Department for Education depending on the substance of your complaint www.education.gov.uk/contactus Complaintsandfeedback@lancashire.gov.uk</p>
Staff grievance procedures	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about their service. Please contact them direct.
National Curriculum content Early Years Foundation Stage Statutory Framework Collective worship Sex Education	Please contact the Department for Education at: www.education.gov.uk/contactus
Unauthorised absence fines	Please contact Lancashire County Council Tel: 0300 123 701
Freedom of Information Data Protection (GDPR)	Data Protection Officer at the school and if this remains unresolved the Information Commission Office Tel: 0303 123 1113 Email: dataprotectionfee@ico.org.uk
Functions of the County Council	Complaints and Appeals Team Legal and Democratic Services County Hall Preston PR1 8XJ Tel: 0300 1236701 Email: Complaintsandfeedback@lancashire.gov.uk

3. Anonymous Complaints

The School will always give serious consideration to concerns and complaints that are brought to its attention. However, anonymous complaints will not normally be considered.

4. Unreasonable Complaints

There is a right to raise a complaint against a school and an expectation that the individual will exhaust the School's procedures. If the individual contacts the school again with the same issue, this could be seen as unreasonable and the school may choose not to respond.

The school should seek advice from Governor Services and their Legal Adviser, prior to taking the decision not to progress the complaint further. The school should not stop responding to a complaint because an individual is viewed as difficult to deal with or asks complex questions.

The school may refuse to respond to the subject matter but not the correspondent.

The DfE provide additional guidance in 'Best Practice Guidance for School Complaints Procedures' (January 2019 and updated in March 2019).

See: <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

5. Making a complaint

The school expects that the majority of complaints to be made within three months of the incident being complained of. The school will consider complaints beyond this time frame in exceptional circumstances only.

Dependent on the type of complaint, the following table is a guide to whom it should be referred to:

Type of Complaint:	Contact the:
Something that has happened, or failed to happen, in School.	Class teacher
The actions of the class teacher.	Headteacher via the school.
The actions of the Headteacher.	Chair of Governors via the school.
The actions of a governor.	Chair of Governors via the school.
The actions of the Chair of Governors.	Vice Chair via the School.
The actions of the Governing Board.	Clerk to the Governing Board via the School.



6. Roles and Responsibilities of the Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect and
- refrain from publicising the details of their complaint on social media and respect confidentiality.

The School /Governing Board would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

The School is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 school days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the school staff or a governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

7. The Complaint Procedure

(i) Informal Stage

The school will seek to resolve complaints informally by email, telephone call, brief meeting as appropriate. If the complaint is unable to be resolved at this stage, the school will ask you to put your concerns or complaint in writing and the 'Formal Stage' - Paragraph 6(ii) of the procedures will commence from the date that the letter is received by the school.

If the school has not heard from you within 20 school days, it will assume that you do not want to take things any further and the complaint will be closed.

For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the School. Under Data Protection legislation, the school is not permitted to provide the personal details of the Chair of Governors, but the School will forward the envelope to Chair as soon as possible.

(ii) Formal Stage

This stage will commence when the:

- Informal complaint has not been resolved to the satisfaction of the complainant.

Or

- Complainant has indicated they wish to go straight to the formal stage.

Or

- School feels that the complaint is inappropriate for an informal resolution.

The person responsible for investigating the complaint will:

- Following receipt of the written complaint, formally acknowledge receipt of the complaint and ensure the complainant receives an up to date copy of the School's Complaint Policy and Procedures. It should be clarified what the complainant feels would put things right if it is not clear in the correspondence.

Note: It is acceptable for someone else to submit the complaint on behalf of the complainant with their knowledge and consent.

- Seek advice, as appropriate. (Dependent on the nature of the complaint, this could include: the Clerk to the Governing Board; Legal Services; Schools' HR Team; the School's Adviser; the Schools' Finance Officer; Pupil Access Officer or other appropriate Lancashire County Council Officer.)
 - Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and the School's Policy and Procedures.
 - Arrange and complete a full investigation of the complaint.
 - Prepare a report following the investigation; consider whether the complaint is substantiated or unsubstantiated and consider what actions may need to be taken.
 - Advise the complainant, in writing, of the outcome of the investigation.
-

Should the Complaint Remain Unresolved

- When a complaint remains unresolved, the complainant can request a review by the Complaints Review Committee to be arranged. This request must be received by the Clerk to the Governing Board with 20 school days of the notification from the Headteacher/Chair of Governors. The request must be in writing, set out the grounds as to which matters remain unresolved and include any relevant documentation.

Note: If the Clerk to the Review Committee does not hear from the complainant within 20 school days of the notification of the outcome of the investigation, the complaint will be closed.

- The Headteacher/Chair of Governors should make a record in the Complaints Register* of the complaint and its outcome. This record may need to be updated by the Chair of the Review Committee in due course. The Complaints Register should be available for Ofsted Inspection purposes.

* **Note:** This is a requirement for Academies and strongly recommended for maintained schools.

(iii) Complaints Review Committee

In very exceptional circumstances where the complaint has not been resolved by the Headteacher/Chair of Governors, a meeting of the Complaints Review Committee will be arranged to review the complaint. The request must be made in writing to the Clerk to the Governing Board via the school. The request for the review must clearly set out the matters which remain unresolved.

The Clerk to the Governing Board will acknowledge receipt and will convene the Complaints Review Committee. It is not expected to take more than 20 days to convene but the Clerk to the Committee will update the complainant as appropriate.

The clerk will request copies of written evidence and will circulate the papers 5 working days before the Committee meets. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. When a request for the meeting to be recorded is received, this must be with the clerk in advance of the meeting taking place. The consent of all parties concerned must be obtained. The request and the decision will be recorded in the minutes of the meeting.

The Committee will:

- Consist of 3 governors who have no prior knowledge of the complaint.
- With the Clerk, prepare an Agenda and invite the Headteacher and/or Chair of Governors, (as appropriate) and the complainant to the meeting.

Note: It is the responsibility of the Headteacher/Chair of Governors and the complainant to secure their own witnesses and neither party can dictate who the other party brings.

- Consider the written materials.
- Consider the complaint and the Headteacher's (or Chair of Governor's) action.
- Seek advice and support as necessary.
- Consider the oral evidence provided at the meeting.

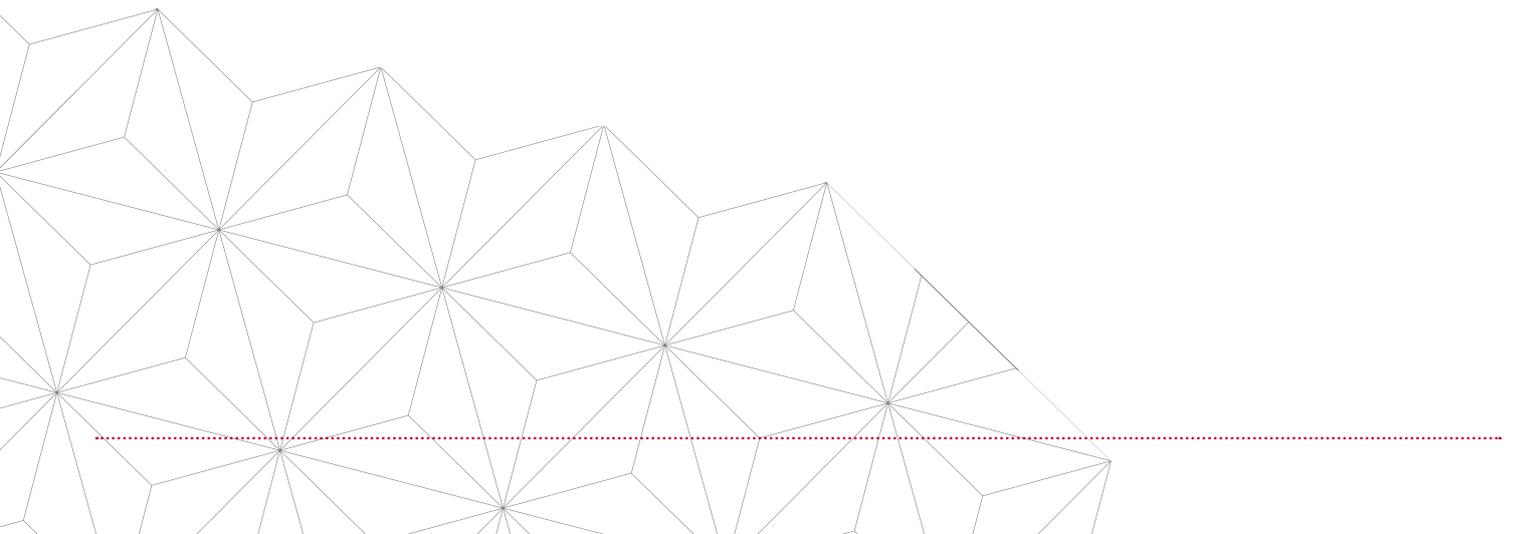
If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

At the end of their review, the Complaints Review Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part.
- Where upheld, decide on recommendations that should be reported to the Governing Board by the Chair of the Review Committee.
- Advise the Headteacher/Chair of Governors (as appropriate) and complainant of their findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

Following the review, the Chair of the Committee will arrange for the School's Complaints Register to be amended to include a brief summary of the complaint and the findings of the Complaints Review Committee. In addition, the Chair of the Committee will ensure that the matter in general terms and any recommendations be reported to the Governing Board.

This concludes the School's Complaints Procedure.



8. Withdrawal of a Complaint

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this in writing.

9. The Role of the Local Authority or Diocesan/Church Authority

The role of the Local Authority (LA) (and/or the Diocesan/Church Authority for church schools) is prescribed by legislation. In responding to complaints about schools, the LA (Diocesan/Church Authority) will explain to the complainant:

- That schools are self-managing and are responsible for administering procedures that deal with complaints made against them.
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk, as appropriate.
- The school may seek advice and support from the appropriate Local Authority Officer or the School's Adviser (and/or the Diocesan/Church Authority).

10. Social Media

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors.

11. Calculation of time

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

12. Next stage

After closing a complaint, should the school receive a duplicate complaint, (e.g. from a spouse; partner, a grandparent, child etc), about the same subject the school will inform the new complainant that the school has already considered that complaint and the local process is complete. The complainant can contact the Department for Education (DfE) if they are dissatisfied with the school's handling of the original complaint.

However, if there are any new aspects to the complaint, the school will investigate and deal with this under the complaints procedure.

If the original complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education **after** they have completed Stage 2.

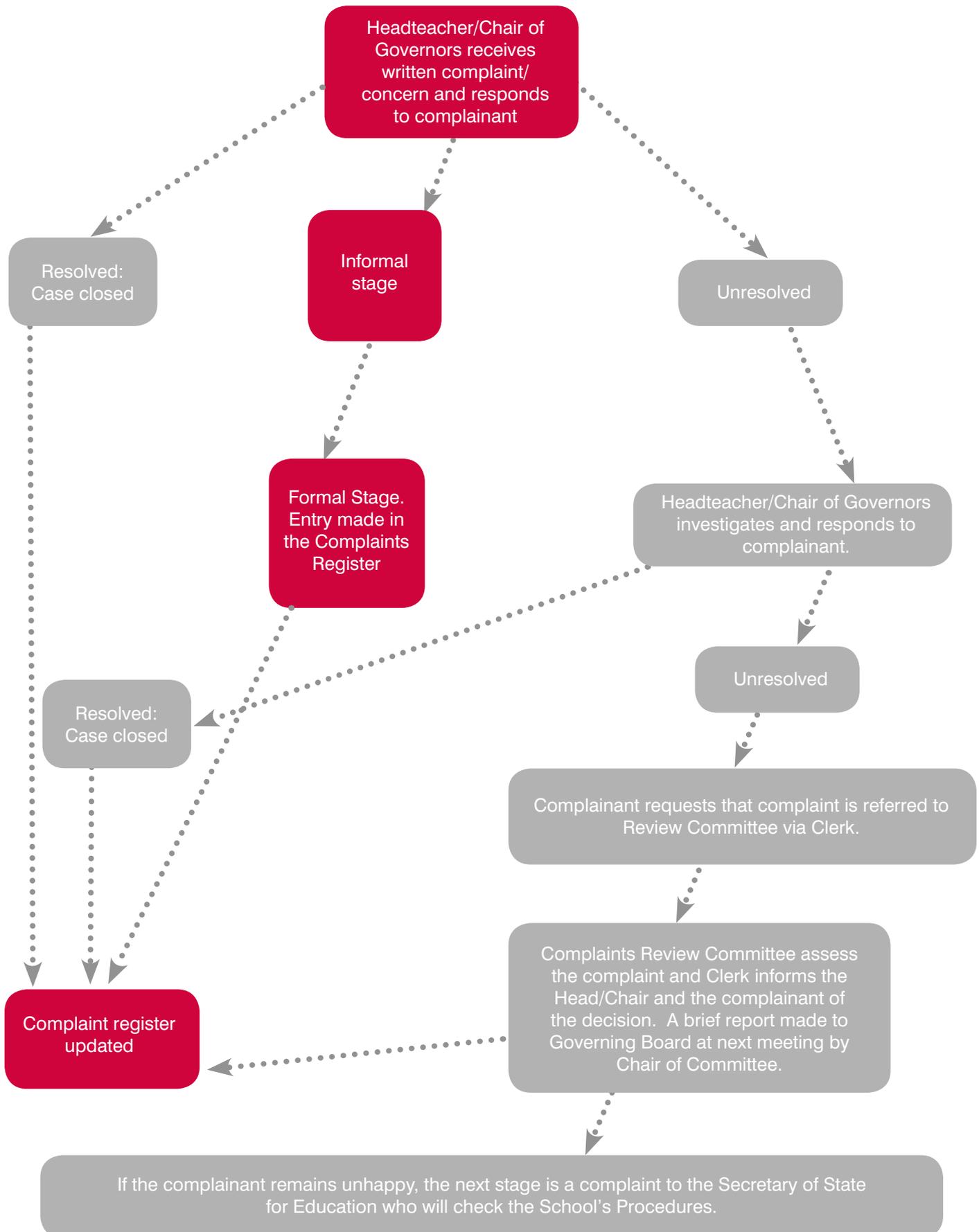
The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: **0370 000 2288** or by writing to:

Department for Education
School Complaints Unit
Piccadilly Gate, Store Street
Manchester. M1 2WD

Complaint Flowchart

(Note: this is a brief overview and reference should be made to the Policy and Procedures)



Complaint Form

Title: Mr/Mrs/ Ms/Dr/Other*
(*please supply)

Surname

Forename(s)

Landline
number:

Address
and

Postcode:

Mobile
number:

Email
Address:

How would you
prefer us to
contact you?

Pupil name
(if relevant)

Your relationship to pupil
(if relevant)

Please give details of your complaint and how you have been affected:

What action, if any, have you already taken to try and resolve your complaint?

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

When did you first become aware of the problem?

If it is more than 3 months since you first became aware of the problem, please give a reason why you have not complained before.

Are you attaching any documents to this complaint? Yes/No

Signature of complainant:

Date:

Signature if you are making a complaint on behalf of someone else

Signature:

Date:

Please state your relationship with the complainant and why you are making a complaint on their behalf:

FOR SCHOOL USE ONLY:

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Procedures for Investigating a Complaint

(Note: The procedures should be used for all complaints regarding school staff/governors, but the general principles can be used for any investigation.)

1. Context

The Headteacher/ Chair of Governors (as appropriate) will:

- Follow the Governing Board's agreed procedures.
- If the complaint is against the Headteacher, the Chair of Governors should seek advice from either a representative of the Schools' HR Team (or Diocesan/ Church Authority Officer, as appropriate).
- If the complaint is against the Chair of Governors, the Vice Chair (or other nominated Governor) should seek advice from either a representative of the Schools' HR Team (or Diocesan/Church Authority Officer, as appropriate).
- Keep the member of staff/governor informed.
- Arrange for a full investigation of the complaint and prepare a report on the investigation.
- Advise the complainant of the outcome and of the next stage if they remain dissatisfied.
- Consider any further action.
- Inform the member of staff/governor in writing of any subsequent action she/he intends to take.

2. Introduction

The investigation should be started as soon as possible after the receipt of the complaint and should normally be completed within 20 school days.

- 2.1 An investigation is a fact-finding exercise with the aim of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.
- 2.2 Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
- 2.3 At this stage, in addition to the written complaint, the complainant may need to be interviewed as part of the investigation.

Important Note: If it becomes clear during the investigation that the issues are serious (as defined in the 'Note', Section 2 of the model Policy and Procedures), she/he should make a referral, as appropriate, to: Children's Social Care; Director of Finance at Lancashire County Council or the Police. In such cases the investigation should not proceed.

3. Preliminary stages

- 3.1 Where appropriate, the person undertaking the investigation should seek specialist advice as necessary.
- 3.2 The person investigating should:
 - define the areas to be investigated;
 - draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation; and
 - check corroborative evidence.

4. The investigation process

4.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a friend or representative of a professional association/trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.

5. Interviewing the subject of a complaint

- 5.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.
- 5.2 The member of staff should be informed of his/her right to take advice and be represented by a friend or representative.
- 5.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.
- 5.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.
- 5.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

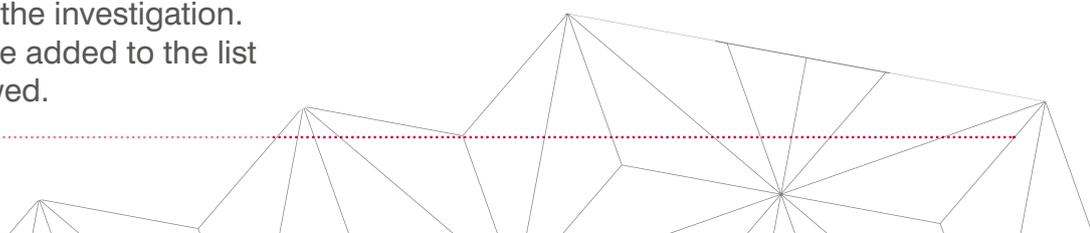
6. Interviewing witnesses/others

- 6.1 Witnesses may be interviewed as part of the investigative process of the complaints procedure.
- 6.2 They should be made aware of the nature of the complaint and of the process to be followed.
- 6.3 Interviews should take place at a convenient time and venue for the person being interviewed, who may bring a friend or representative with them.
- 6.4 They should be asked to give their factual account of the incident(s) leading to the complaint.
- 6.5 Full notes should be taken of the interview and the witness invited to read and sign them as a true record of the interview. A copy of the notes will be provided to them.

7. Compiling a report

- 7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
- 7.2 Consideration should again be given as to whether there are serious matters which should be referred to Children's Social Care or the Police. If there is such a referral, further proceedings at school level should be held in abeyance immediately.

General guidance for interviewing pupils is given in Appendix 7.



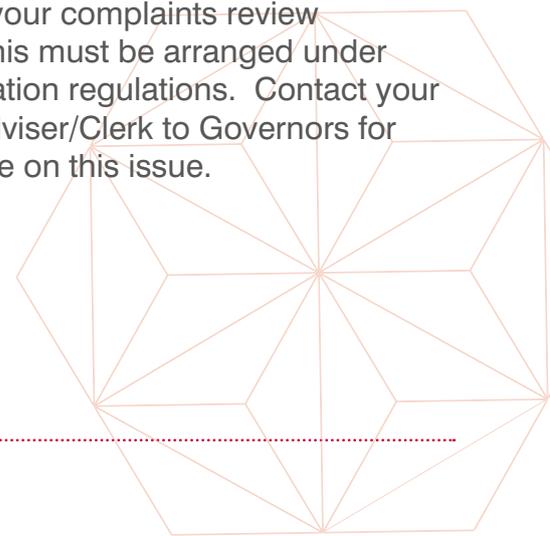
The Complaints Review Committee of the Governing Board

The Governing Board is required by the Education Act 2002 to have a complaints procedure relating to the School and its provision of services and facilities and to publicise those procedures. These procedures cover all complaints not covered by other statutory complaints procedures.

The Governing Board **must** establish arrangements for a Complaints Review Committee. The Committee's terms of reference, membership and clerking arrangements are established by full Governing Board.

Additional Notes

- a) The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
 - b) If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
 - c) The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the school's governing board available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee.
- Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2. For Voluntary Aided schools, the Clerk must consult with the appropriate Diocese for advice and guidance regarding the sourcing of any additional independent governor or an independent committee.
- d) To appoint a governor from another school onto a complaints panel a maintained schools' governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.
 - e) If the school arranges complaint panel meetings on an ad-hoc, informal basis, you only need to source governors who are:
 - suitably skilled;
 - can demonstrate their independence.
 You can approach:
 - governors from any category of governor
 - associate member of another governing board
 - f) Maintained schools can ask governors in academies to serve on a complaints panel and vice versa.
 - g) The exception to this is when a maintained school wishes to appoint a standing committee to hear all the complaints they receive under the committee's tenure. To appoint governors from another school to serve on your complaints review committee this must be arranged under the collaboration regulations. Contact your Governor Adviser/Clerk to Governors for further advice on this issue.



Model Terms of Reference for the Complaints Review Committee

1. Membership

- The Committee must consist of a minimum of three governors.

Note: Neither the Headteacher nor the Chair of Governors should be a member of the Committee if they have been involved in the matter under consideration at an early stage.

- The Chair of the Committee will be elected by the Committee.
- Committee members must be impartial and have no prior involvement with the complaint or circumstances surrounding it.
- Non-voting participants may be invited to the meeting by the committee, as and when required.
- The governing board will appoint a clerk to the committee, who will not be another governor.

2. Quorum

The quorum shall be three governors.

3. Meetings

Review meetings will be held, when required, to consider formal appeals made under the Schools Policy and Procedures for Handling Complaints.

4. Function

Wherever possible the Governing Board would wish to see complaints resolved at an informal stage but:

- (a) The main function of the Committee will be to undertake the duties of the Governing Board in the consideration of complaints made under the Schools Policy and Procedures for Handling Complaints.
- (b) Complaints covered by statutory procedures will not be considered by this Committee.
- (c) In considering the complaint, the Complaints Review Committee will:
 - Consider all written materials and verbal representations presented.
 - Consider the complaint and the Headteacher's (or Chair's) action.
 - Invite the Headteacher/Chair of Governors (as appropriate) and the complainant to the meeting.
 - Seek advice and support as necessary.

At the end of their review, the Complaints Review Committee will:

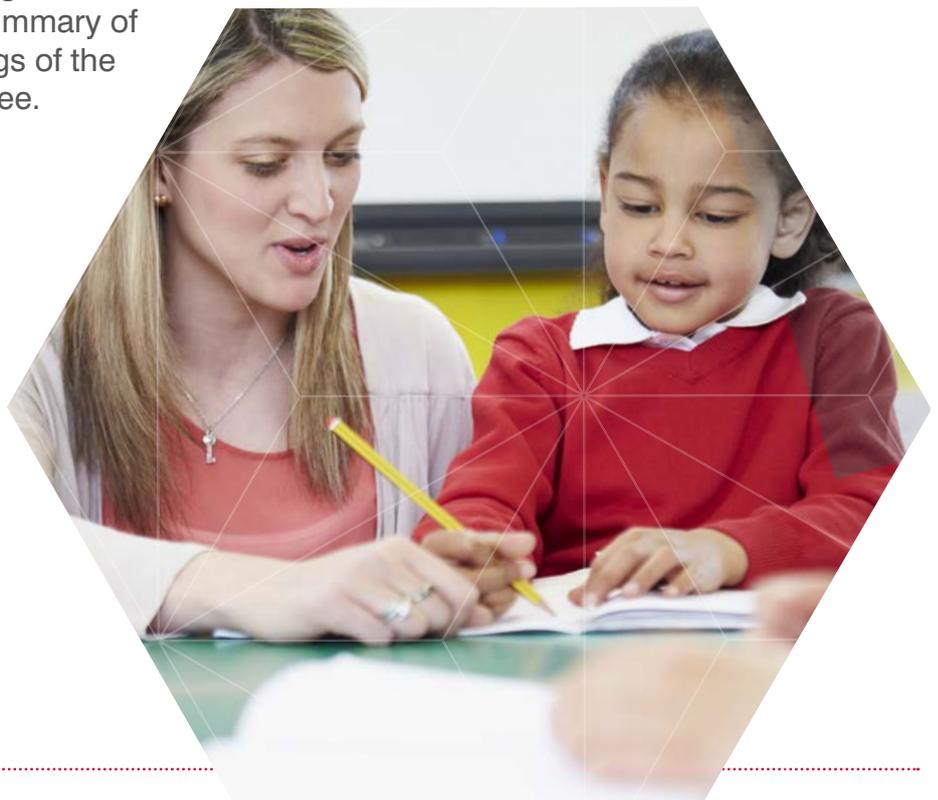
- Determine whether to dismiss or uphold the appeal in whole or part.
- Where upheld, decide on recommendations that should be reported to the Governing Board by the Chair of the Review Committee.
- Advise the Headteacher/Chair of Governors (as appropriate) and complainant of their findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.



The Role of the Chair of the Committee

The Chair of the Committee has a key role, ensuring that:

- The remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption.
- All 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.
- Key issues are addressed.
- Key findings of fact are made.
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease.
- The rules of natural justice are followed.
- The complainant is notified of the panel's decision, in writing, with details of the next steps if they remain dissatisfied.
- The Governing Board are notified at their next meeting in general terms of the complaint and of any changes to procedure or reviews of policy recommended by the Committee.
- The School's Complaints Register be updated to include a brief summary of the complaint and the findings of the Complaints Review Committee.



The Role of the Committee Member

Committee members should be aware that:

- The meeting must be independent and 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
- The Committee 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.
- 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.



The Complaints Review Committee Meeting – A Suggested Procedure

- Whilst the meeting of the Complaints Review Committee is a formal meeting, its management should be as informal as possible.
- The Complaints Review Committee meeting will be convened by the Clerk to the Committee at a date, time and venue convenient to all parties.
- The Clerk will distribute the Headteacher's/Chair of Governor's Report, the original complaint and the complainants evidence.
- The complainant and Headteacher/Chair of Governors may each be accompanied.
- All parties will be present for the duration of the hearing.
- In the case of a complaint against a member of staff, the member of staff against whom the complaint was made and/or his representative or friend will be entitled to attend the Complaints Review Committee meeting, but they are not obliged to do so.
- The complainant and the Headteacher/Chair of Governors may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee and will only attend for the part of the meeting in which they give evidence.
- It is up to the Headteacher/Chair of Governors and the complainant to secure their own witnesses and neither party can dictate who the other party brings.
- The Chair of the Committee is responsible for the conduct of the meeting.
- The Committee may ask questions at any point.
- Any reasonable request for an adjournment should be allowed at the discretion of the Chair.
- After introductions, the Chair invites Headteacher/Chair of Governors to present his/her report on the investigation to the Committee, together with any supporting documents and any actions taken to resolve the complaint. If appropriate, the Headteacher's/Chair of Governor's witness(es) will be heard at this point.
- The complainant or his/her representative will be entitled to question the Headteacher/Chair of Governors and any witness(es).
- The Chair invites the complainant to present his/her case and any supporting documents to the committee. If appropriate, the complainant's witness(es) will be heard at this point.
- The Headteacher/Chair of Governors will be entitled to question the complainant and any witness(es) called.
- Witness(es) should leave at this point.
- The Headteacher/Chair of Governors is then invited to sum up the School's response to the complaint.
- The complainant is invited to sum up their complaint.
- The Chair explains the arrangements for notifying both parties of the outcome of the meeting.
- Both parties then leave the meeting to allow the Committee to reach a decision.
- The Committee deliberates and the Clerk takes a record of their findings and decision.
- The Clerk is responsible for writing the minutes and these being agreed by the chair of the meeting.
- The Clerk is responsible for informing in writing the Headteacher/Chair of Governors and the complainant of the Committee's findings.
- The Chair of the Committee to ensure that the Complaints Register is updated and that the Governing Board is notified in general terms only at the next full governing board meeting of the Committee's findings/recommendations.

The Complaints Review Committee Meeting Model Agenda

Name of school

Complaints Review Committee Meeting

Venue

Date

Agenda

1. Welcome and introductions.
 2. The role of the panel members and the clerk to the Governing Board is explained by the Chair of the Committee and a reminder that all parties will be present for the duration of the meeting, but the complainant, the Headteacher/Chair of Governors and any witnesses, will not be present for the committee's deliberations.
 3. Headteacher/Chair of Governors presents his/her report on the investigation to the Committee. This includes any supporting documents and any actions taken to resolve the complaint.
 4. Headteacher's/Chair of Governor's witness(es) present their evidence.
 5. Complainant (or his/her representative) to ask questions of the Headteacher /Chair of Governors and any witness(es).
 6. Complainant (or his/her representative) to present his/her case and any supporting documents to the committee.
 7. Complainant's witness(es) present his/her evidence.
 8. Headteacher/Chair of Governors to ask questions of the complainant and any witness(es) called. [Any witness(es) leave at this point.]
 9. Complainant (or his/her representative) to sum up their complaint.
 10. Headteacher/Chair of Governors to sum up the School's response to the complaint.
 11. The Chair thanks both parties for attending and explains the arrangements for notifying both parties of the outcome of the meeting.
[Both parties leave the meeting. The Committee deliberates in private and the Clerk takes a record of their findings and decision. The notification to all parties of the decision is normally in writing.]
-

Appendix 4

The Role of the Clerk

The Clerk to the Complaints Review Committee is appointed by the Governing Board to provide:

- Procedural advice and guidance to all parties involved in the hearing.
- Administrative support for the meeting, including convening it.
- Keep the record of the meeting and minutes of the meeting.

The role and responsibilities of the Clerk to the Committee are to:

- 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)
- Ensure that the Governing Board has adopted a Complaints Procedure for the school.
- Ensure that the Governing Board has appointed any 3 untainted governors to a Complaints Review Committee.
- Advise complainants, the Chair of Governors and Headteachers on the appropriate action to be taken when notified of a complaint.
- Advise the Chair of Governors and Complaints Review Committee members of appropriate sources of support.

- Act in accordance with the procedures.
- Convene and produce a record of the meeting of the Complaints Review Committee.
- Offer procedural advice at the meeting.
- Follow the instructions of the Committee to take the necessary action:
- Notify the complainant, in writing, of the outcome of the meeting. This should include a full explanation and the reasons for the decision.
- Advise the Headteacher/Chair of Governors of the outcome and of any recommendations from the Review Committee.
- Complete the Complaints Review Committee meeting minutes to enable the Chair of the Committee to be notified the Governing Board in general terms of the complaint and the recommendations of the Committee.
- Circulate the minutes.



Model Complaints Record

(Note: This proforma is for illustration only and schools may wish to amend it for their use. Some schools may wish to store the information electronically and ensure that access is limited to the key staff, the Chair of Governors and Chair of the Complaints Review Committee.)

School

Register of Complaints

Name of complainant:

Date formal complaint received:

Date acknowledgement sent:

Brief overview of complaint:

Complaint investigated by:

Headteacher/Chair of Governors

Brief findings of the investigation

Date the response was sent:

20 working days date:

(If no response by this date, the complaint is closed)

Date the complaint was reported
to Governing Board:
(brief overview only)

Section 2

This section to be completed if a complaint is heard by the Review Committee.

Date received by Clerk to
Committee:

Brief findings of the Committee:

Date the response was sent
by the Clerk:

20 working days date:

(If no response by this date the complaint is closed)

Date the complaint was reported
to Governing Board by the Chair
of the Committee:
(brief overview only)

Complaints about Members of Staff

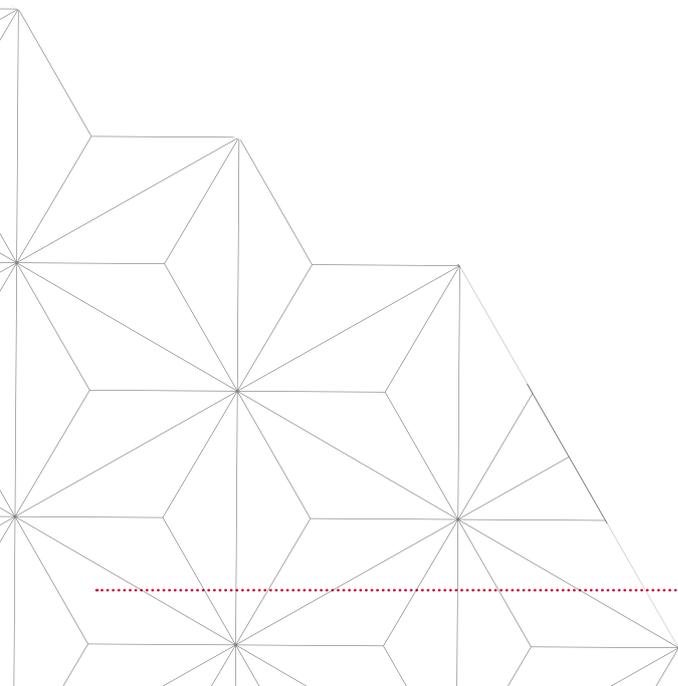
These will usually be dealt with under the School's Complaints Procedures, except where allegations relate to criminal activity, financial or accounting irregularities, or allegations relating to the abuse of children.

Headteachers/Chairs of Governors should seek advice from a representative of the Schools' HR Team and/or Diocesan/Church Authority Officer as appropriate.

If the complaint is about a member of staff she/he will be:

- Informed in detail of the complaint.
- Provided with a copy of any written complaint and the School's Complaint Policy and Procedures.
- Invited to respond and make a statement.
- Reminded they may seek advice from their professional association/ union or other adviser before responding.

- Advised of any response/explanation to be made to the complainant.
- Advised of whether the complainant accepts the response.
- Offered appropriate counselling or guidance.
- Informed when the complaint is resolved, of any subsequent actions intended, including any action under the disciplinary and competence procedures.



Guidelines for interviewing Children/Young People

Normally a specific trained member of staff would conduct the discussion with the child /young person. However, in some circumstances, the investigating governor (usually, the Chair, Vice Chair; an experienced independent governor) may be required to undertake the task.

Setting

- The interview should take place in a neutral, quiet and secure area.
- Sit in such a way as to allow an eye level contact with the child. If a small child is sitting on the floor, sit on the floor as well.
- Do not talk sitting behind a desk or a table, better sit at the table together with the child. Sit close to the child, but not too close. Do not enter “the child’s territory”, it might be too endangering for him/her.
- It is advised that few people are present during your discussion with a child/young person.
- If you are taking notes, explain why. Or if there is a separate note taker in the room explain what they are doing.
- Allow a child time to get used to the new place and to look the room over.



Greeting, the first contact and introductions

- Greet a child by his/her first name.
- Be open and friendly.
- Introduce yourself to the child and introduce other people in the room. Tell the child who you are, what you are doing and what the role of other people is. This must be in a manner that is understandable to the child. Tell the child where his/her parents/carers will be during the interview.
- Tell him/her what you are going to do.
- Be emphatic, pay attention to any symptoms of nervousness in the child.
- Be sensitive to the child's needs, react if the child for example wants a drink or go to the toilet. Sometimes children, not wanting to talk about something, try to postpone this situation. They look for an excuses to escape. If the child says that he/she wants a drink and that is not permitted, the resistance of the child might decrease the chance to establish a good contact and the information on what really happened, may be reduced.
- While discussing a familiar topic with the child, listen to the child's speech and language. Adapt your language and vocabulary accordingly.
- Introduce the meaning of a lie and a truth (particularly important with younger children). Use an example to check whether the child can differentiate between the two concepts, e.g. "If I said that I have green hair, would that be a truth or a lie?" Explain to the child that today you want to talk only about the true things.

- A fear and a secret:
 - do not ignore the fact that the child may be frightened.
 - explain that you are going to talk about secrets.

(In working with a child/young person, you may need to dedicate a lot of time to differentiate between a bad secret and a good secret. The offender will be very keen for the child to keep the secret and not to tell it to anybody. Many kinds of pressures could have been used on the child, sometimes very obscure and cruel. Be aware that the child could be very frightened).

- Guessing versus not knowing: Tell the child that if he/she does not know an answer to a question, there should be no guessing. He/she should just say "I don't know". Assure the child that if they do not know answers to some of your questions, that it is okay to say 'I don't know.'
- You can give an example, to check whether the child understands this (particularly important with little children), for example ask: "Where did you go for a holiday last summer?"



General Techniques for Interviewing

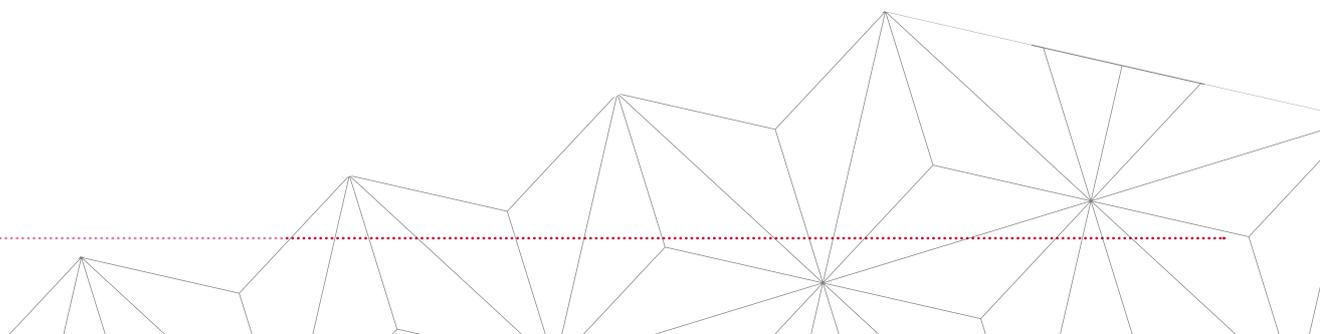
- Use a language, understandable to the child/young person.
- Use phrases containing only one question or one thought, simple words, simple tenses and short sentences and do not use double negatives.
- Avoid the use of 'if/then' statements with young children.
- Use first names, e.g. Andrew. Do not use personal pronouns, such as 'he'.
- Be specific in your questions as young children are very literal.
- Always ask the child to explain the words or expressions which you do not understand.
- Adjust the pace of the interview according to the child's abilities to open up. Be patient. If the child covers their face or eyes, lowers his/her voice or whispers, when answering the questions, let him/her do it.
- Control your emotions, the tone of your voice, your mimics, do not show curiosity or shock, regardless of what the child says.
- Begin by encouraging a narrative account by using an open-ended questions such as "tell me what happened". Prompt narrative by stating "tell me more" or "what happened next?"
- Move from the general questions to factual areas regarding specific people and events.
- Be careful with questions that require a 'yes/no' answer.
- Have a list of questions that will prompt you to avoid omitting any area that must be explored.

What you must not do

- Do not lecture during the interview.
- Never praise or promise an award for giving information.
- Do not coerce the answer, even if you know that the child is lying or is not disclosing a piece of information he/she must know. If you have information that the child has told somebody else something different, it is alright to ask the child to clarify your confusion.
- Do not pressure, if the child does not want to answer.
- Never ask the child how they would like to punish the offender.
- Do not judge any of the answers, given by the child.
- Do not correct the "wrong answer", ask for clarification.
- Do not lead the child by suggesting information regarding the incident(s).
- Do not show the annoyance, when you did not manage to get the information you wanted to hear, better stop and take a short break.
- Do not hurry the child, if he/she is not ready to talk. Arrange for another meeting.
- Do not make promises you can't keep i.e. nothing bad is ever going to happen to you again.
- Never promise the child that you are not going to tell anybody about things you will hear from him/her. It might be that this case has to be reported.

Closing the interview

- Explain to the child what will happen next.
- Praise the child for effort not for the content.
- Address any questions the child might have.



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