

# BYRON COURT PRIMARY SCHOOL

## THE SCHOOL COMPLAINTS POLICY AND PROCEDURE

### 1.0 AIMS AND PRINCIPLES:

- This policy and procedure for is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

### 2.0 RAISING A CONCERN OR COMPLAINT

#### 2.1 Informal Stage

It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage.

- 2.1.1 In the case of serious concerns it may be appropriate to address them directly to the Head Teacher [or to the Chair of the governing body, if the complaint is about the Head Teacher]. If you are uncertain about who to contact, please seek advice from the school office or the Clerk to the governing body.

#### 2.2 Formal Stage

- 2.2.1 If your concern or complaint is not resolved at the informal stage you must put the complaint in writing\* and pass it to the Head Teacher, [or to the Clerk to the governing body, for the attention of the Chair, if the complaint is about the Head Teacher] who will be responsible for ensuring that it is investigated appropriately.
- A Complaint Form is provided to assist you.
  - You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.
  - It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.
  - Please pass the completed form, in a sealed envelope to the Head Teacher or to the Clerk to the governing body, as appropriate.
  - The Head Teacher [or Chair] may invite you to a meeting to clarify your concerns and to seek an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

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- It is possible that your complaint will be resolved through a meeting with the Head Teacher [or Chair]. If not arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.
- Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.
- If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request form is provided for your convenience.

### 2.3 Review Process

- 2.3.1 Any review of the process followed by the school will be conducted by a panel of 3 members of the governing body. This will usually take place within 10 school days of receipt of your request.
- 2.3.2 The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.
- The panel will first receive written evidence from the complainant.
  - The panel will then invite representatives of the school [Usually the Head Teacher or the Chair of the governing body panel that has considered the matter], as appropriate, to make a response to the complaint.
  - The panel may also have access to the records kept of the process followed.
  - You, and the school representative[s], will be informed in writing of the outcome, usually within 5 school days of the panel meeting.
  - The matter will then be closed as far as the school is concerned.
  - If you believe that the Governing Body has acted illegally or arbitrarily in handling the complaint, then you may make representations to the Secretary of State for Children, Schools and Families.

### 3.0 REVIEW

3.1 Date of reviewed policy - October 2016

3.2 Date of next review – October 2019

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**BYRON COURT PRIMARY SCHOOL  
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**APPENDIX 1**

**Byron Court Primary School Complaint Form**

Please complete this form and return it to Head Teacher [or Clerk to the governing body], who will acknowledge its receipt and inform you of the next stage in the procedure.

**Your name:** .....

**Relationship with school [ e.g. parent of a pupil on the schools roll ]:**

.....

**Pupil's name [ if relevant to your complaint ]:**

.....

**Your Address:**

**Daytime telephone number:** .....

**Evening telephone number:** .....



**Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:**

**You may continue on separate paper, or attach additional documents, if you wish.**

**Number of Additional pages attached =**

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**What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]**

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

**Signature:**

**Date:**

School use:  
Date Form received:  
Received by:  
Date acknowledgement sent:  
Acknowledgement sent by:

Complaint referred to:			
Date:			

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**APPENDIX 2**

**Byron Court Primary School Complaint Review Request Form**

Please complete this form and return it to Head Teacher [or Clerk to the governing body], who will acknowledge its receipt and inform you of the next stage in the procedure.

**Your name:** .....

**Your Address:**

**Daytime telephone number:** .....

**Evening telephone number:** .....



Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response[s] from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

**You may continue on separate paper, or attach additional documents, if you wish.**

**Number of Additional pages attached =**

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<b>What actions do you feel might resolve the problem at this stage?</b>
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**Signature:**

**Date:**

<u>School use</u> Date Form received: Received by: Date acknowledgement sent: Acknowledgement sent by:
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Request referred to:			
Date:			

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## APPENDIX 3

### 1.0 Investigation Procedure

- 1.1 The investigation of an allegation or a complaint will always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.
- 1.2 Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school will either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### 2.0 Preparing for an Investigation

- 2.1 Where the school receives a formal complaint, it will be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.
- 2.2 It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting. [If an investigator is appointed there may need to be more detailed follow-up.]
- 2.3 Any member of staff against whom a complaint has been made, will be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff does need to be able to understand the nature of any allegations against them.
- 2.4 Once any complaint has been confirmed the school needs to determine which procedure [school or LA] is most appropriate and to select an appropriate person to conduct any investigation.

### 3.0 Conducting the investigation

- 3.1 The investigation must be carried out in accordance with the provisions of the relevant procedure.
- 3.2 Arrangements will be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.
- 3.3 The complainant will be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.
- 3.4 The member of staff subject to the complaint will be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.
- 3.5 Where children are potential witnesses, discretion will be exercised over their involvement. Pupils will only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- 3.6 Any interviews will be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- 3.7 In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator will allow the interviewee to answer in their own way. Their responses will be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be

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resisted. The interviewee will be given the opportunity of providing other relevant information at the end of the interview.

3.8 Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

3.9 The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

### 4.0 Concluding the investigation

4.1 The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

4.2 The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice from the LA.

4.3 A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

4.4 Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

4.5 The complainant will be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

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## APPENDIX 4

### 1.0 Governing Body Complaints Panel Meeting

- 1.1 If the school receives a formal complaint about one of the limited number of matters, that is not dealt with by another statutory process and which relates to school or the services that it provides, it may be necessary to convene a governing body panel to consider the matter and formulate a response.
- 1.2 The complaint is likely to relate to matters such as:
  - 1.2.1 the content or the application of a governing body policy
  - 1.2.2 Unreasonable exercise of discretion by headteacher e.g. declining to accept a volunteer or to sign a passport application or to authorise a pupil's absence
  - 1.2.3 Selection of pupils for a school team or play
- 1.3 If a governing body committee already has delegated power with respect to a policy that is being complained of, a panel of members from that committee will be convened. Otherwise the clerk will convene a panel of 3 governors, who have not previously been involved with the complaint.
- 1.4 The complainant should submit the details of their concerns, in writing, to the clerk. The clerk will seek similar written responses from the school, where this is necessary.
- 1.5 A meeting of the panel will take place, usually within 10 school days, to consider the matter. The complainant [who may be accompanied by a friend if they wish] and representative[s] from the school may be invited to attend this meeting in order to clarify the matter. As the panel meeting is intended to be investigatory, rather than adversarial, the persons giving evidence or making representations to the panel will normally attend separately.
- 1.6 When the panel has collected sufficient information, it will deliberate and then inform the complainant, the Head Teacher and the governing body of the outcome, in writing.
- 1.7 Consideration of the complaint by the governing body and the school, save for any actions that are agreed, will terminate at this point.
- 1.8 If the complainant is not satisfied that the appropriate procedure has been followed, they may request a review of that process by another panel of the governing body.

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However the panel determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours sincerely,

Chair of Complaints Review Panel  
c.c. Head Teacher/Chair of Governors

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## APPENDIX 6

### Model Paragraph for inclusion in School Prospectus

#### 1.1 Raising Concerns and Resolving Complaints

From time to time parents, and others connected with the school, will become aware of matters which cause them concern. To encourage resolution of such situations the Governing Body has adopted a "School Complaints Procedure".

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means
- Be simple to use and understand
- Be non-adversarial
- Provide confidentiality
- Allow problems to be handled swiftly through the correct procedure
- Address all the points at issue
- Inform future practice so that the problem is unlikely to recur.

Full details of the procedure may be obtained from the School Office or from the Clerk to the Governing Body.

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## APPENDIX 7

Leaflet that could be sent to persons who make spurious/vexatious or abusive complaints, if the policy is adopted by the Governing Body

### 1.0 School Policy/Procedure For Handling Unreasonably Persistent, Harassing Or Abusive Complainants

- 1.1 The headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.
- 1.2 Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.
- 1.3 The aim of this leaflet is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

### 2.0 What do we mean by 'an unreasonably persistent complainant'?

- 2.1 An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.
- 2.2 Unreasonable behaviour may include:
  - actions which are
    - out of proportion to the nature of the complaint, or
    - persistent – even when the complaints procedure has been exhausted, or
    - personally harassing, or
    - unjustifiably repetitious
  - an insistence on
    - pursuing unjustified complaints and/or
    - unrealistic outcomes to justified complaints
  - an insistence on
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public; or
  - refusing to attend appointments to discuss the complaint.

### 3.0 What is 'harassment'?

- 3.1 We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.
- 3.2 Behaviour may fall within the scope of this policy if:
  - it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
  - the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;

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- it has a significant and disproportionate adverse effect on the school community.

### 4.0 What does the school expect of any person wishing to raise a concern?

4.1 The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
  - respect the needs of pupils and staff within the school;
  - avoid the use of violence, or threats of violence, towards people or property;
  - recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
  - follow the school's complaints procedure.

### 5.0 Schools' responses to unreasonably persistent complaints or harassment

5.1 This policy is intended to be used in conjunction with the school's complaints procedure.

Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

5.2 However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
  - inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
  - require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
  - inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

### 6.0 Physical or verbal aggression

6.1 The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

6.2 Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Byron Court Unreasonable Complaints Policy 2016. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

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## APPENDIX 8

(see Best Practice Advice for School Complaints procedures 2016 DfE)

### Complaints not in scope of the procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

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## APPENDIX 9

(see Best Practice Advice for School Complaints procedures 2016 DfE)

### Roles and Responsibilities

#### The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

#### The Complaints Co-ordinator (or headteacher)

The complaints co-ordinator should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
  - sharing third party information;
- additional support - this may be needed by complainants when making a complaint including interpretation support.

#### The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- providing a comprehensive, open, transparent and fair consideration of the complaint through:-
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - consideration of records and other relevant information;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

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The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

### **The Panel Chair**

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the 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 – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and complaints co-ordinator.

### **Panel Member**

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

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No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

### **Interviewing Best Practice Tips**

#### **Children/young people**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

#### **Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.

*\*Byron Court School ensures that they comply with their obligations under the Equality Act 2010. It is common practice to ask for complaints to be made by using a complaint form or in writing, however the school recognises that a complainant may have communication preferences due to disability or learning difficulties and as such the school must allow alternative methods of contact to meet the individual complainant's needs.*

## BYRON COURT PRIMARY SCHOOL THE SCHOOL COMPLAINTS POLICY AND PROCEDURE

- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

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## APPENDIX 10

(see Best Practice Advice for School Complaints procedures 2016 DfE)

### The Role of the School Complaints Unit

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

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

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

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

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

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

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

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