

**MILNROW PARISH  
CHURCH OF ENGLAND PRIMARY SCHOOL**



INVESTOR IN PEOPLE

# Complaints Procedure

DATE: Spring 2018

REVIEW DATE: Spring 2020

SIGNED (HEADTEACHER) \_\_\_\_\_

SIGNED (CHAIR OF GOVERNORS) \_\_\_\_\_

**Milnrow Parish CE Primary School  
Complaints Procedure  
In line with the DFE's Best Practice For School Complaints Procedures 2016**

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**Milnrow Parish CE Primary School  
Complaints Procedure  
In line with the DFE's Best Practice For School Complaints Procedures 2016**

**INTRODUCTION**

This Complaints procedure is in accordance with [Section 29 of the Education Act 2002](#), which requires all local authority (LA) maintained schools to have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. It is also in line with the [DFE's Best Practice for School Complaints Procedures 2016](#) (this advice replaces the School Complaints Toolkit 2014).

**WHO CAN MAKE A COMPLAINT AND EXCEPTIONS**

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). School does not limit complaints to parents or carers of children that are registered at the school.

<b>Exceptions</b>	<b>Who to contact</b>
<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 board 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>

## **RECORDING A COMPLAINT**

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. At Milnrow Parish CE Primary School we take informal concerns seriously and make every effort to resolve the matter as quickly as possible. Milnrow Parish CE Primary School complies with its obligations under the Equality Act 2010.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined in Appendix 1.

- A complaint may be made in person, by telephone, or in writing using the complaint form at Appendix 5, (however if the complainant has communication preferences due to disability or learning difficulties please advise of your preferred method of contact).
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, School will use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- School will record the progress of the complaint and the final outcome. The headteacher or designated staff member will be responsible for these records and hold them centrally and confidentially.
- School **is** aware that complainants have a right to copies of these records under the Freedom of Information 2000 and Data Protection Acts.1998
- Any complaints against third party providers offering community facilities or services through the school premises have their own complaints procedure in place, and as such complainants should contact them directly.
- Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools, this is a separate issue and will be resolved using guidance from the DFE which contains specific advice about how to approach issues concerning parental responsibility entitled, 'Understanding and Dealing with Issues Relating to Parental Responsibility'.

## **TIMESCALES**

Milnrow Parish CE Primary School aims to consider and resolve any complaints as quickly, and efficiently as possible: Please see the timescales included in Stages of Complaints Procedure at Appendix 1.

## **STAGES OF OUR COMPLAINTS PROCEDURE**

The stages of our complaints procedure can be found at Appendix 1. Complainants should note the following:

- Determining what the appeal panel considers is for the school to decide.
- The complaints procedure does not suggest that a complaint can only be escalated to the next stage if the school permits it.
- Regardless of how many stages the school chooses, or whether or not the complaint is 'justified', a dissatisfied complainant is always be given the opportunity to complete the complaints procedure in full.
- Complaints against the headteacher are usually first dealt with by the Chair of Governors. Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Governing Board.

## **ROLES AND RESPONSIBILITIES**

### **APPEALS**

Please see Appendix 2

## **INTERVIEWING PROCEDURES (School Staff and Governing Board ONLY)**

Guidelines can be found at Appendix 3 for School Staff and Governing Board Members who are involved in a complaint only.

## **UNREASONABLE COMPLAINTS**

Milnrow Parish CE Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Milnrow Parish CE Primary School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the

- adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Milnrow Parish CE Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Milnrow Parish CE Primary School and / or grounds.

## **BARRING FROM THE SCHOOL PREMISES**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **SERIAL AND PERSISTENT COMPLAINANTS**

School will do its best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where School is contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, School will act appropriately.

There will be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. School recognises when they really have done everything they can in response to a complaint. It is a poor use of Schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts School again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and School may choose not to respond. However, School will be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

**Note:** The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '...manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances will an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

## **WHEN WE MAY STOP RESPONDING TO A COMPLAINT**

In the case of School's decision to stop responding, this is never taken lightly. School needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

School will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances, the subject matter is what you can refuse to respond to, not the correspondent.

School will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption Schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.



Ultimately, if a complainant persists to the point that the School considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once School has decided that it is appropriate to stop responding, they will let the complainant know; ideally, through a hard copy letter but an email will suffice.

### [Further information](#)

#### Useful Resources and External Organisations

- [National Governors Association](#)
- [Information Commissioner's Office](#)

#### Other Relevant Departmental Advice and Statutory Guidance

- [Section 29 of the Education Act 2002](#)
- [Governors Handbook](#)
- [Understanding and Dealing with Issues Relating to Parental Responsibility](#)

#### Other Departmental Resources

- [How to complain about a school](#) - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools

## **APPENDIX 1 MILNROW PARISH CE PRIMARY SCHOOL STAGES OF COMPLAINTS PROCEDURE**

### **Stage One (informal): Complaint Heard by Staff Member**

It is reasonable to expect a complaint to be aired to a staff member within 3 months of the incident. School may not investigate claims over 3 months old (DfE guidelines) although school may consider exceptions to this, which will be dealt with on a case by case basis.

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel, see checklist for panel hearing at Appendix 4, at a later stage of the procedure.

- Ensure Headteacher / complaints co-ordinator informed of outcome.

### **Stage Two (formal): Complaint Heard by Headteacher**

The Headteacher's influence will already have shaped the way complaints are handled in the school.

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

- Headteacher to acknowledge receipt of complaint and to meet or discuss complaint with complainant within 10 working days.
- Headteacher to write to complainant with outcome of investigation (within 10 working days).
- Headteacher to offer escalation to Stage 3 if dissatisfied.

### **Stage Three (formal): Complaint Heard by the Chair of Governors**

If the complainant is not satisfied with the response of the headteacher or the complaint is about the headteacher, then the complainant should write to the Chair of Governors to request that their complaint is considered further.

- Chair of Governors to acknowledge receipt of complaint (within 10 working days of receipt).
- Chair of Governors to write to complainant with outcome of investigation (within 10 working days of receipt).
- Chair of Governors to ensure Headteacher / Complaints Coordinator informed of outcome.
- Chair of Governors offer escalation to Stage 4 if dissatisfied.

### **Stage Four (formal): Complaint Heard by Governing Bodies Complaints Committee**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints committee panel. see checklist for panel hearing at Appendix 4.

The governors' hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel, see checklist for panel hearing at Appendix 4, set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing board may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

#### The Remit of The Complaints Committee Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee panel needs to remember:

- a. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the

- panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised 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.
  - c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
  - d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
  - e. The governors sitting on the panel need to be aware of the complaints procedure.
- Governor's Complaints Panel issue letter inviting complainant to meeting (within 20 working days of receipt of letter).
  - Governor's Complaints Panel issue letter confirming panel decision (within 5 working days).
  - Governor's Complaints Panel ensure Headteacher / Complaints Coordinator informed of outcome.
  - Governor's Complaints Panel advise of escalation routes to the secretary of State for Education.

### **The final stage of 'appeal' is to the Secretary of State for Education.**

Complainants should write to The School Complaints Unit (SCU) at:  
Department for Education 2nd Floor, Piccadilly Gate Manchester M1 2WD

### **What will the Department for Education do?**

If a complaint has exhausted the local procedures, SCU will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. SCU also examines policies to determine if they adhere to education legislation. However, the department will not re-investigate the substance of the complaint. This remains the responsibility of schools.

If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

## **APPENDIX 2**

### **MILNROW PARISH CE PRIMARY SCHOOL COMPLAINTS PROCEDURE 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 Headteacher (Complaints Co-ordinator)**

The Headteacher (Complaints co-ordinator) or designated Deputy / Member of SLT in the Headteacher's absence 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.

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 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;

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.

### **The Role of the Clerk**

The panel or group of governors considering complaints will be clerked. The clerk is to be the contact point for the complainant and will:

- 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;
- notify all parties of the panel's decision.

As best practice, the Clerk will share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged. It is reasonable to assume that if the minutes are not challenged then they are agreed by all parties receiving them. Parties disagreeing with the minutes will be noted alongside the minutes themselves.

### **The Role of the Chair of the Governing Board or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

### **The Role of the Chair of the Panel**

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

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Notification of the Panel's Decision**

The Chair of the Panel will ensure that the complainant is notified of the panel's decision, in writing (including reasons for decision); within ten working days of the panel hearing.

The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed. See page 12, Final Stage of Appeal.



**APPENDIX 3  
MILNROW PARISH CE PRIMARY SCHOOL  
COMPLAINTS PROCEDURE  
INTERVIEWING PROCEDURES**

**Interviewing Procedures for School Staff and Governing Board ONLY**

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.
- 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 sign the record as accurate.

**APPENDIX 4  
MILNROW PARISH CE PRIMARY SCHOOL  
COMPLAINTS PROCEDURE  
CHECKLIST FOR A PANEL HEARING**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

**APPENDIX 5  
MILNROW PARISH CE PRIMARY SCHOOL  
COMPLAINTS PROCEDURE  
COMPLAINTS FORM**

**Please complete and return to Ms L J Kirkham (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.**

<p><b>Your name:</b></p> <p><b>Pupil's name (if applicable):</b></p> <p><b>Your relationship to the pupil (if applicable):</b></p> <p><b>Address:</b></p> <p><b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b></p> <p><b>Please give details of your complaint including dates and times if possible.</b></p>          <p><b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b></p>
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**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**