



## Complaints Policy

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Our Complaints Policy is written in line with our school vision:

At Holywell, our vision is that everyone in our community chooses to “Live Life in all its Fullness” (John 10:10).

Inspired by the teaching of Jesus, the Good Shepherd, we choose ...  
to live our values,  
being the best we can be  
in community.

*“Great peace have those who love your law, and nothing can make them stumble.” Psalm 119:165*  
*“We can talk with someone about anything even if it’s awful or small.”*

At Holywell School, we actively encourage students and parents to contact us about anything and everything related to learning and school. We welcome news about successes and important events outside of school and we appreciate feedback on all school-related matters. We hope for open, positive, solution-focussed conversations and exchanges of information and we will also provide positive feedback on the great work students are doing. Receiving a phone-call from school is not always a negative experience ... and, likewise, we hope for ‘good news’ calls from parents/carers too!

There are times when concerns need to be shared and, again, we hope for open, positive, solution-focussed conversations and exchanges of information. We are a listening school and we deal with concerns and complaints in a respectful, responsive and timely manner, always placing the student at the heart of everything we do. We want all of our students to be able to ‘live life in all its fullness’.

This policy defines the different levels of concern and complaint and describes a practical, objective and step-by-step way to approach these concerns and complaints. We aim to deal with all concerns and complaints informally and within school in the first instance, however, clear steps for more formal concerns and complaints are also included here.

We also appreciate that any concern or reason for complaint may be emotive – especially where there may be an upset or distressed child at the centre of the issue; all we ask is that complainants are clear in the communication, kind in the manner of dealing with the issue and patient while we address the issue. For further information, please also refer to the Parental Expectations Policy.

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## 1. What is a Complaint?

Holywell defines a complaint as follows:

"An expression of dissatisfaction made in writing about the standard of service, actions, or lack of action by the school or by a member of the school staff, affecting an individual or group".

Complaints are different from concerns. **A concern is a worry or nervous feeling about something.** A concern is often a general feeling of unease about something, a 'niggle' that is worth communicating. This is usually done in terms of raising awareness about something which causes a sense of unease. All concerns will be acknowledged, investigated and addressed.

## 2. Holywell's Principles for Dealing with Complaints

The principles underlying Holywell's Complaints Policy are informed by our Christian character and our foundation as a Church of England School where we seek to be peaceful problem-solvers. The principles are also in line with government guidelines:

- Our Complaints Policy aims to be simple to understand and use;
- Our Complaints Policy is impartial, is non-adversarial and enables a full and fair investigation;
- Our Complaints Policy, where necessary, respects confidentiality;
- Our Complaints Policy addresses all the points at issue and provides an effective response and appropriate redress;
- We are a listening school and, the Complaints Process often provides information to our senior management team so that services can be improved;
- Complaints must be made in writing – preferably using the Complaint Form (Appendix A);
- All complaints (made by parents and/or members of the public) will be acknowledged, processed and feedback will be given to the complainant;
- Complaints will be managed within a management framework of clear time scales;
- Complaints may be made and considered initially on an informal basis. Where the parent (or complainant) is not satisfied with the response to the informal complaint, a formal procedure for the complaint can be made in writing;
- Where the parent (or complainant) is not satisfied with the response to the complaint, a hearing before a panel will take place. The panel will be appointed by or on behalf of the academy and will consist of at least three people who were not directly involved in the matters detailed in the complaint. This ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- Parents (or complainants) may attend and be accompanied at a panel hearing if they wish;
- The Panel will make findings and recommendations and stipulate that a copy of those findings and recommendations is:
  - provided to the complainant and, where relevant, the person complained about;
  - available for inspection on the school premises by the Diocese of St Albans and the head teacher;
- A written record will be kept of all complaints that are made in line with these principles and whether they are resolved following a formal procedure, or proceed to a panel hearing. The written record will also detail the action taken by the school as a result of those complaints (regardless of whether they are upheld);

- Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **3. Complaints relevant under this policy**

Most complaints will be dealt with under this policy and procedure, however, some complaints relating to separate statutory procedures will be dealt with under the following policies:

- Admissions – complaints are dealt with as part of the appeals process outlined in the Admissions Policy.
- Child protection and Safeguarding – complaints linked to child protection and safeguarding will be dealt with in line with internal and external procedures outlined in the Safeguarding Policy.
- Exclusion – complaints about exclusions and/or suspensions will be dealt with in line with the procedures outlined in either the Behaviour for Learning Policy and/or the Exclusion Policy.
- Statutory assessments of special educational needs – complaints about statutory SEND assessments are dealt with by the SEND teams in the relevant local authority
- Staff conduct – depending on the nature of the complaint, staff conduct complaints may be subject to internal disciplinary procedures or external investigations under the jurisdiction of the Local Area Designated Officer.
- Complaints about services provided by other supplier who may use school premises or facilities – complainants will be directed to follow the external provider's own complaints procedure (eg. providers who hire the academy facilities).
- Withdrawal from the curriculum: Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW). They do not have to explain why. If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, the complaints procedure should be followed. NB. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by students or arise in other subjects such as history or citizenship.

Internal complaints are dealt with in line with the following staff-related policies

- Whistleblowing – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- Staff grievances – referred to the internal grievance procedures outlined in the Grievance Policy.

The Complaints Policy will also not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

If a complainant commences legal action in relation to their complaint, we will suspend the complaints process until the legal proceedings have concluded. An investigation would only go ahead in these circumstances if those proceedings did not address the issue(s) at the heart of the complaint.

Anonymous complaints will not normally be investigated, save in exceptional circumstances, as Holywell would be unable to respond to the complainant.

Evidence in the form of recordings of conversations that were obtained covertly and without the informed consent of all parties being obtained will not normally be accepted by the Academy – doing so may well contravene its obligations under the UK-GDPR and Data Protection Act 2018.

#### **4. The Stages of Handling a Complaint**

Complaints should be brought to the attention of the school as soon as possible. A complaint made more than three months after the event has taken place will not be considered, save in exceptional circumstances.

To be compliant with Part 7 of the Education (Independent School Standards) Regulations 2014, our complaints procedure consists of the three required stages:

- Stage 1: Informal (usually a meeting with the complainant)
- Stage 2: Formal (the complaint is put in writing)
- Stage 3: A panel hearing, with an independent panel member

**Stage 1: Informal** – Complainants can initially raise the complaint in person, in writing or via a phone call with the appropriate person to resolve their initial complaint – please refer to the table in section 5 to identify the appropriate member of staff. The informal complaint will be investigated and, if resolved satisfactorily at this stage, the procedure will be completed.

A mutual resolution to informal complaints should be reached within 10 school days of notification of the complaint. The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek such a mutual resolution.

**Stage 2: Formal** – where the complainant is not satisfied with the response to the informal complaint, a formal procedure for the complaint to be made in writing is expected. A formal complaint must be in writing, unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this. There is a Complaints Form (Annex A) which should be used for all formal complaints.

A Stage 2 Formal Complaint Procedure should be completed within 15 school days of notification of the complaint and acknowledged within 3 days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

**Stage 3: Panel Hearing** – where the complainant is not satisfied with the response to the complaint made in accordance with Stage 2, a hearing before a panel appointed by or on behalf of the academy will be arranged. The Panel will consist of three members. One of these will be independent of the management and running of the Academy i.e., not be a director or an employee of the Academy. None of the Panel members will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint at Stage 2 or have any detailed prior knowledge of the complaint. The panel will appoint a Chair from amongst their members.

The clerk will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within 15 school days of the receipt of the escalation request where possible. Where this is not possible, the clerk will provide an anticipated date and ensure the complainant is kept up-to-date. 5 school days' notice will be given to all parties attending the panel hearing, including the complainant.

Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The headteacher and the chair of trustees will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
- The complainant questions the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the individual about whom the complaint was made.
- Final statements to be made by both parties involved.

Neither the complainant nor the academy will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing. The purpose of the panel hearing should be:

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

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The panel will make findings and recommendations. A copy of those findings and

recommendations will be provided to the complainant and, where relevant, the person complained about; and will be available for inspection on the school premises by the academy governing board and the head teacher. The complainant will be informed of the conclusion and reasons for any decisions in writing and any further rights of appeal. Copies of the minutes will be issued to the complainant.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

### **Record-keeping**

A written record of all complaints will be made. It will be noted whether the complaint has been resolved following a formal procedure, or proceed to a panel hearing. There will be a written record of the action taken by the school as a result of the complaint (regardless of whether the complaint is upheld). This will include:

- recording the progress of the complaint and the final outcome
- recording whether the case progressed to a panel hearing
- recording the action taken by the school or the trust, regardless of outcome.

No live video/voice recordings are to be made of meetings held (by either side) unless consented to by all parties. The appropriate person dealing with the complaint is responsible for these records and for making sure the data is kept secure. Information will be kept secure in line with ICO guidelines for retaining data (3 years in this instance)

If a complainant is still not satisfied with the outcome when the complaint has been through all three stages, the complainant may complain directly to the Education and Skills Funding Agency (ESFA). Anyone can raise a complaint about a school or a member of the school's staff to the ESFA. Before escalating an academy complaint to the ESFA, they expect that complainants will have completed local complaints procedures first. The ESFA [contact form](#) clearly explains this and advises complainants to complete local procedures before submitting their complaint.

The exceptions to this include when children are at risk of harm or missing education.

The ESFA cannot overturn the decision about a complaint. Their role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).

The ESFA will only consider the complaint if the complainant can provide evidence that the school:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

ESFA inform the complainant that they are **not** able to:

- overturn the panel's decision
- re-investigate the original complaint



- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude students
- force the school to discipline / dismiss staff
- instruct the school to apologise
- ESFA can take the following action against a school when the school has:
- breached a clause in its funding agreement
- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions

## 5. Where to Send Your Complaint

Complaints should be sent in accordance with the following table:

Complaints Relating to:	Send Complaint to:	Stage 1 (informal) investigation to be led by:	Stage 2 (formal) investigation to be led by:
Progress, behaviour or welfare of a child	School Office where it will be forwarded to the relevant Teacher, Form Tutor or Head of Year	Teacher, Form Tutor or Head of Year	Headteacher or appropriate senior Leader
Member of staff	Headteacher	Headteacher or appropriate senior Leader	Headteacher or appropriate senior Leader
Professional conduct of the Headteacher	Chair of Governors	The Chair of Governors	A Panel Hearing
Member of the Governing Board	Clerk to the Governing Board	The Chair of Governors	A Panel Hearing
The Chair of Governors or the Governing Board	Clerk to the Governing Board	To be advised by Diocese of St Albans	To be advised by Diocese of St Albans

## 6. Stage 1: Making an informal complaint

Complainants can initially raise the complaint in person, in writing or via a phone call with the appropriate person to resolve their initial complaint – please refer to the table in section 5 to identify the appropriate member of staff. The informal complaint will be investigated and, if resolved satisfactorily at this stage, the procedure will be completed.

A mutual resolution to informal complaints should be reached within 10 school days of notification of the complaint. The complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek such a mutual resolution.

The member of staff will make a written record of the complaint that was raised and the date on which it was received. If you are not satisfied, you will be advised to proceed to make a formal complaint. We will not consider/complaints about the following;

- Complaints about internal management decisions of the school/academy e.g. Class and teacher allocations, school session time changes. These decisions have been made with the full consideration and support of the Governing Board.
- Complaints about student behaviour outside of school hours such as weekends or school holidays. Such issues are not in the Academy's control; however, we will work with students, families and other agencies to ensure that this type of behaviour doesn't occur again.

## **7. Stage 2: Making a formal complaint**

Should a complainant feel that their concern has not been resolved through the informal complaints stage, they can escalate that complaint to a formal complaint. This should be done within ten school days of the response having been received from the member of staff investigating it at Stage 1, otherwise the complaint will be closed.

The formal complaint can be made in writing by letter, email or by using the Complaint form (Appendix A) available on the Holywell website, or in person, if written notes are made and countersigned as a formal complaint by the complainant. Anonymous complaints will not normally be investigated, save in exceptional circumstances, as Holywell would be unable to respond to the complainant. These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

All formal stage 2 complaints sent to the Academy/Holywell will be acknowledged in writing within five school days.

Any complaints received outside of term time will be acknowledged within five school days of the term recommencing.

The Academy reserves the right not to consider certain unreasonable or persistent complaints (section 14) but will confirm in writing their reason for not investigating the complaint within 5 school days.

A written response which sets out the Academy's/Holywell's findings and recommendations will be sent to the complainant within a target period of 15 school days. Where the nature of the investigation is such that the complaint cannot be resolved within

these timescales, a holding response will be sent giving an indication of the date on which a response will be made.

## **8. Stage 3: Panel hearing**

Should a complainant feel that their concern has not been resolved through Stage 2, the formal complaints stage, they can escalate that complaint to a stage 3 review. This should be done within ten school days of the Stage 2 response having been received, otherwise the complaint will be closed.

The request for escalation should be made in writing, or in person, if written notes are made and countersigned as a formal complaint by the complainant, and the complainant should identify what aspects of their complaint remain unresolved and why, and what steps would resolve this. The request should be addressed to the Clerk to the Governing Board [fhashim@holywellschool.co.uk](mailto:fhashim@holywellschool.co.uk).

All stage 3 complaints will be acknowledged in writing within five school days.

Any complaints received outside of term time will be acknowledged within five school days of the term recommencing.

The Academy reserves the right not to consider certain unreasonable or persistent complaints (section 13) but will confirm in writing their reason for not investigating the complaint within 5 school days.

We aim to convene a panel hearing meeting within 15 school days of receipt of the stage 3 request, if this is not possible the complainant will be advised in writing and will be provided with an anticipated date. Confirmation of the date, time and venue of the hearing will be sent to all parties at least 5 school days before the meeting.

All evidence should be received at least 4 school days before the meeting and the papers circulated to all parties 3 school days before the meeting.

The complainant and, where relevant, the person complained about will be notified of the Panel's findings and recommendations, in writing within 10 school days. Further information about the Panel hearing is contained in Appendix B.

## **9. Confidentiality**

All complaints are to be treated as confidential and are only to be shared with those directly involved. Complainants should not share the content and nature of the complaint outside of those directly involved whether verbally, in writing or via social media. If they do so, then the complaint may be dealt with under s. 14 below.

The Academy/Holywell will keep a written record of all formal complaints, which indicates at which stage they were resolved. The written record will include action taken by the Academy/Holywell as a result of the complaint (regardless of whether they are upheld).

Correspondence, statements, and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

However, it should be noted that if any action taken by a member of staff is the subject of a complaint, the employee should be advised of the complaint made against them, and they should be given the opportunity to respond to the complaint as part of the investigation process. Any HR processes or procedures followed as a result of the complaint will be confidential.

All confidential information will be securely maintained by the Academy/Holywell on its premises in line with the Trust's Data Protection Policy, Privacy Notices, Data Retention Schedule, and in line with the requirements of current Data Protection Legislation.

## **10. Investigating the Complaint**

The individuals leading each of the stages of the Complaint Procedure may delegate the investigation to an appropriate senior member of staff who has no connection with the complaint or in some circumstances they may commission an external investigating officer. The resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (as per section 6 above).

The person(s) investigating the complaint must make sure that they:

- a. clarify the nature of the complaint and what remains unresolved;
- b. establish what has happened so far, and who has been involved;
- c. meet with the complainant or contact them (if clarification or further information is necessary);
- d. ascertain what the complainant feels would put things right;
- e. maintain an open mind;
- f. conduct the investigation, analysing any relevant documents and interviewing those who may be involved;
- g. in the event an employee is responding to a complaint, they are entitled to be accompanied by a work colleague or trade union representative;
- h. keep written records of the investigation.

The Academy will retain written records of all the parts of the investigation at each stage, including notes of all meetings, interviews, discussions, and telephone calls, in case the complaint is taken further.

## **11. Resolving the Complaint**

At each stage in the procedure, the Academy will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld. This may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- a. an apology (which does not imply liability);
- b. an explanation (for example, where the complaint is not upheld);
- c. an admission that the situation could have been handled differently;
- d. an explanation of the steps that have been taken to ensure that it will not recur;
- e. an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the Academy takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

## **12. Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour**

There are rare circumstances where the Academy will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- a. where the complainant's behaviour towards staff, members of the Academy Governing Board is unacceptable, for example, is abusive, offensive or threatening;
- b. where, because of the frequency of their contact with the Academy, the complainant is hindering the consideration of their or other people's complaints, and/or the proper running of the Academy;
- c. where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- d. where the complainant's complaint is the same, similar to, or based on the same facts of a complaint which has already been considered in full by the Academy or Trust;
- e. where the complainant pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to cooperate with the complaint procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and time frames set out;
- f. Seeks unrealistic outcomes, or a solution that lacks purpose or value.
- g. If a complainant commences legal action in relation to their complaint, we will suspend the complaints process until the legal proceedings have concluded. An investigation would only go ahead in these circumstances if those proceedings did not address the issue(s) at the heart of the complaint.

In these circumstances, the Academy may:

- a. inform the complainant that their behaviour is unacceptable or unreasonably

- persistent and ask them to change it;
- b. restrict the complainant's access to the Academy, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times, or banning the complainant from the Academy's premises;
  - c. conduct the Complaints Panel on the papers only, i.e. not hold a hearing;
  - d. refuse to consider the complaint and refer the complainant directly to the Education and Skills Funding Agency (ESFA).

In all cases, the Academy will write to advise the complainant why their behaviour is believed to be unacceptable or unreasonably persistent, what action the Academy/Trust are taking, and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff the Headteacher/Trust Executive Leadership team members will consider other options, for example, reporting the matter to the police or taking legal action. In such cases, the Trust may not give the complainant prior warning of that action.

### **13. Next Steps**

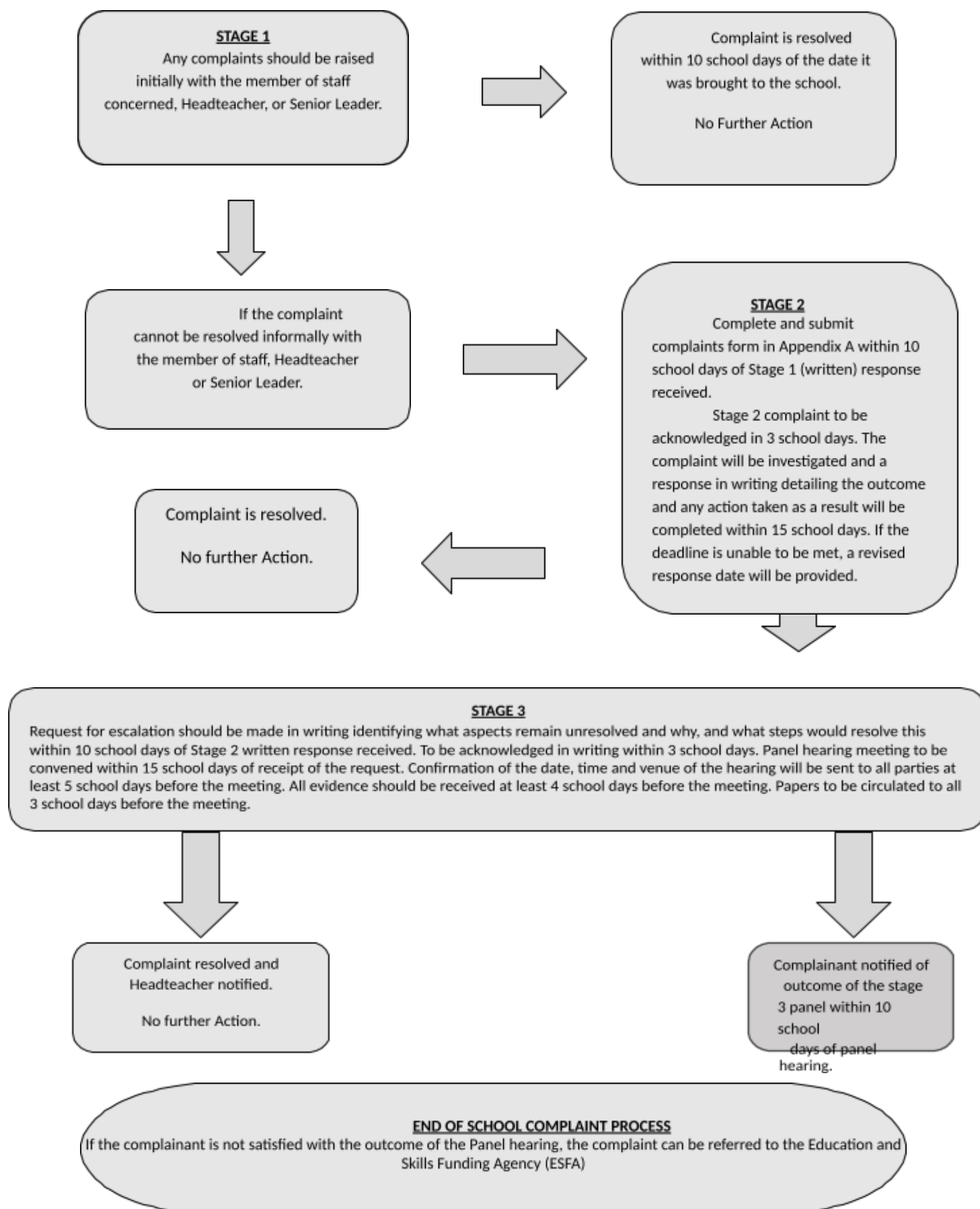
If a complainant is still not satisfied with the outcome when the complaint has been through all three stages, the complainant may complain directly to the Education and Skills Funding Agency (ESFA). Anyone can raise a complaint about a school or a member of the school's staff to the ESFA. Before escalating an academy complaint to the ESFA, they expect that complainants will have completed local complaints procedures first. The ESFA [contact form](#) clearly explains this and advises complainants to complete local procedures before submitting their complaint.

## Appendix A. Complaint Form

Please complete and return to the relevant member of staff or to the school office  
([school@holywellschool.co.uk](mailto:school@holywellschool.co.uk))

Your name:
Student's name:
Your relationship to the student (if relevant)
Address: Postcode: Contact Telephone number:
Nature of complaint (please circle):  Stage 1 Informal Complaint                      Stage 2 Formal Complaint*  *If this is a Stage 2 Formal Complaint, please specify who dealt with this at a Stage 1 (Informal) level:
Please give details of your complaint, including whether you have spoken to anyone at the school about it.
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 whom:
Complaint referred to:
Date:

## Appendix B Stages of our Complaints Policy





## **Appendix C – Guidance for Staff for Dealing with Complaints at Stage 1 or 2**

Staff who are approached by parents or carers, students or others with a complaint must assess the seriousness of the issue and, if subject to specific Academy policies (for example over a child protection issue), follow those policies.

If a parent or carer of a child or someone else raises a complaint that is within the remit of that member of staff, the member of staff should deal with the complaint, resolving it where possible. If the member of staff feels unable to deal with the complaint, they should listen to the complaint, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different and staff members should do all they can to:

- allay the other persons' fears;
- take the complaint seriously;
- remain calm and composed at all times;
- be fair, open and honest when dealing with any complaint or questions;
- give careful consideration to all issues and deal with them as swiftly as possible;
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues;
- respect peoples' desire for confidentiality.

Written confirmation should be sent of the outcome to the complainant as soon as possible but not later than 10 school days (should this not be possible due to the complexity of the complaint, the complainant should be notified of a revised timeframe within which they should be able to expect a response).

If the matter has not been resolved amicably by these means, the member of staff should escalate the informal complaint to Stage 2 or, for a Stage 2 complaint, take the complaint to a panel hearing.

## **Appendix D: Stage 3 Panel Hearing Guidance**

The Panel will not investigate any new complaints or consider evidence unrelated to the initial complaint. New complaints will be dealt with separately, and the full complaints procedure followed starting with Stage 1 of the procedure.

The Clerk to the Board of Governors will support the panel.

The Panel will consist of three members. One of these will be independent of the management and running of the Academy i.e., not be a director or an employee of the Academy. None of the Panel members will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint at Stage 2 or have any detailed prior knowledge of the complaint. The panel will appoint a Chair from amongst their members.

The clerk, on behalf of the panel, will contact the person who investigated the complaint at stage 2 to establish who will need to be invited to the Hearing in advance, and with enough notice to invite support or representation as appropriate. We will aim to convene a panel hearing meeting within 15 school days of receipt of the stage 3 request, if this is not possible the complainant will be advised in writing and will be provided with an anticipated date. Confirmation of the date, time and venue of the hearing will be sent to all parties at least 5 school days before the meeting. Remote access is a possibility and any request will be considered by the panel, but this must not compromise fairness and transparency.

If the complainant rejects three proposed dates, without good reason, the Clerk will decide the date of the hearing. It will then proceed in the complainant's absence, if necessary, on the basis of written submissions from all parties.

### **Preparation for, and attendance at, the panel hearing**

The complainant may ask for the complaint to be heard in their absence. If a meeting is convened in the absence of the complainant, the panel will proceed on the basis of written submissions from both parties to ensure fairness.

Any material additional to that relevant to Stage 2 should be provided to the Clerk no later than 4 school days before the panel hearing for distribution to relevant parties. The papers for the Hearing will be circulated by the Clerk at least 3 school days prior to the Panel Hearing. These papers will include, where appropriate, an agenda, a list of attendees and all relevant records such as the original complaint, witness statements, decisions made with rationales at previous stages and correspondence between the complainant and the school.

A complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend (or in the case of a staff witness, a Union representative). Generally, we do not encourage either party to bring legal representatives to the Panel hearing although exceptionally there may be occasions when legal representation is appropriate. The Panel may seek legal representation depending on the subject matter of the complaint. Representatives from the media are not permitted to attend. Parties who are the subject of the complaint can also attend but are not required to (this is a matter for them to decide). Where they do not attend, the panel should consider how they could contribute effectively, for example by using a written statement, ensuring they still respond to any questions the complainant wishes to ask them.

The panel may also invite any persons who could provide relevant information relating to the complaint and/or its handling at the previous stage of the procedure (notably the person who investigated it).

Where the complaint relates to a student at the school and their attendance is requested by the panel, parental permission must be sought if they are under the age of 18. The panel will consider how the student could be supported to attend, for example by being accompanied by an unconnected staff member.

### **Procedure for the hearing**

The panel's role is to give fresh scrutiny of the complaint and the previous stages of the process. This will lead to the panel deciding whether the complaint should be upheld, upheld in part or dismissed, as well as recommending remedial action as appropriate.

The hearing provides the panel with the opportunity to look at the evidence, establish facts and hear from relevant parties through the following procedure:

1. Complainant and school's representative enter the room together, chair introduces all
2. parties and outlines the process.
3. Complainant explains their complaint and answers questions from the panel, including any further questions from the school's representative (usually the headteacher).
4. Any witnesses for the complaint give their account and answer questions.
5. School's representative makes their case and answers questions from the panel, including any further questions from the complainant.
6. Any witnesses for the school give their account and answer questions.
7. Complainant sums up their case.
8. School's representative sums up their case.
9. Parties leave for the panel to deliberate and make its decision. The clerk remains with the panel during its deliberations to clarify any issues and to take notes that will be used to draft the decision letter.

While the procedure is structured to ensure fairness, the approach taken will be informal and non-adversarial. Sufficient time will be given for all parties to speak. However, it is reasonable for the chair to intervene and move the meeting on if they feel this is necessary and in the interests of all concerned. Voice recordings of the hearing are not permitted unless agreed to by all parties.

During deliberation, (point 8 above) the panel will revisit what was discussed and the responses to questions asked, where appropriate referring back to the notes taken by the clerk to reach conclusions and inform their decision.

Having reached a decision, the panel will consider carefully and seek the advice of the clerk on the wording of the letter to the complainant and relevant parties, notifying them of the decision and the basis upon which it was reached. If the complaint is upheld in whole or in part, then the letter should set appropriate action/s recommended by the panel to resolve the complaint and or prevent similar issues in the future – for example, changes to relevant policies or practices. Note that recognising issues and apologising

is not an admission of liability in a legal sense and panels are not required to engage with legal arguments.

The final decision letter will also include details of how the complainant can contact the ESFA if they are unhappy with the way their complaint has been handled.