



Hillcross Primary School

# Concerns and Complaints Procedures

## 1. Aims

Hillcross Primary School aims to establish and promote a close relationship with all parents, guardians and the wider community, in the interests of the children. We recognise that children will feel more secure when they receive consistent messages from both home and school. Parents and carers views about our school are welcomed, including the expression of any concerns. At the same time, we undertake to inform parents/carers as soon as possible about any issues of concern to the school so that we can work together to resolve them.

We recognise that from time to time parents and members of the public may have a concern that they wish to raise with the school. At Hillcross we are committed to responding to a concern or complaint effectively and as quickly and sensitively as possible in order to resolve the issue promptly. We will do so with fairness to all parties in line with this procedure. These procedures have been written to take account of the Best Practice Advice for Schools Complaints Procedures 2019 issued by the DfE.

In accordance with Section 29 of the Education Act 2002, all maintained schools must have and make available a procedure to deal with complaints relating to their school. Any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

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'.

Concerns or complaints relating to any of the following are not covered by these procedures, as separate procedures apply (also see **Appendix 1**):

- Child Protection
- Freedom of Information Access
- Functions of the County Council
- Pupil Exclusions
- School Admissions
- Services provided by other organisations on the school site or through the school
- Staff grievance
- Special Educational Needs assessment and statementing procedure
- Whistleblowing by an employee

Please see our separate policies for procedures relating to these types of complaint.

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures.



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Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Hillcross is committed to:

- dealing with your concern as quickly as possible (we will complete each stage of the formal process within 20 school days)
- keeping you informed of the progress of your concern (where it is not possible to complete the process within 20 days the complainant will be informed of any delays);
- dealing with your concern in an impartial and non-adversarial way;
- making sure that all your concerns are considered and that a fair investigation is undertaken when necessary;
- maintaining confidentiality at all times, however, where complaints are made about an individual member of school staff, the person will be informed of the complaint at the earliest opportunity.

### 1.1 What we do to avoid parental concerns arising

- At Hillcross we work closely with parents in order to keep you informed of all aspects of school life. We have:
  - a home school agreement on which to base strong, positive relationships
  - an open door policy – members of the Senior Leadership Team are in the playground at the beginning and end of every day; messages can be passed between parents and staff in the mornings and, if more time is required, staff are happy to meet with parents to at a mutually convenient time on request
  - individual communication books
  - a comments box in the main office
  - school email address usually checked within 48 hours (term time only)
  - a regular newsletter from the Headteacher
  - regular written communication about school events
  - an email service
  - a school website
  - regular pupil progress meetings (parents' evenings)
  - termly progress celebration evenings (parents can come in with their child to look at their books together)
  - a written report for parents/guardians about your child once a year

## 2. Stages in the Procedure

The school expects concerns/complaints to be made as soon as possible after an incident arises (although the school will consider complaints lodged within three months of the incident taking place). Concerns/complaints can be made in person, by telephone, or in writing. Brief notes of meetings and telephone calls will be kept. Where there are communication difficulties, we may use a recording device to ensure the complainant is able to access and review the discussions at a later point.

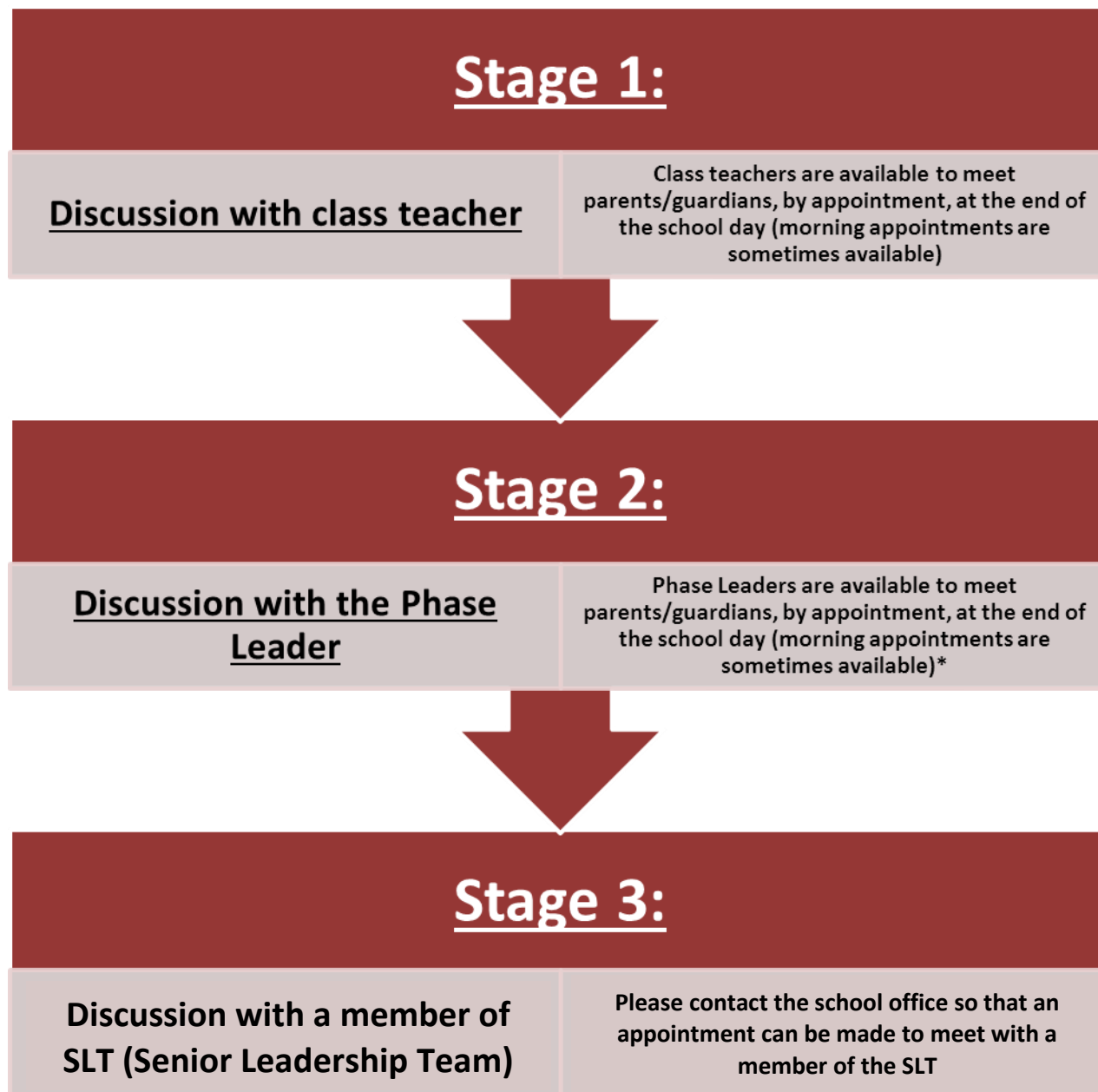
The school will ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).

Complaints made by members of the public will be directed to the relevant member of staff and a senior leader.



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Parental concerns should be addressed in the following way:



EYFS (Nursery & Reception) = Steph Mayar

Phase 1 (years 1 and 2) = Tanja Doig/Steph Mayar

Phase 2 (years 3 and 4) = Carina Morris

Phase 3 (years 5 and 6) = Cath Reidy

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher, if the concern is not resolved then to the special educational needs co-ordinator (SENCO), they will then be referred to this complaints policy. Our SEN policy and School Information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.



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### **Stage 1: Discussion with class teacher**

- It is our view that it is in everyone's interest that any concerns are resolved at the earliest opportunity by a meeting with your child's class teacher.
- We find that most issues can be satisfactorily addressed this way.
- Class teachers are available to meet parents/guardians, by appointment, at the end of the school day (morning appointments are sometimes available).

### **Stage 2: Discussion with the Phase Leader**

- If you feel that stage 1 has not adequately addressed your concern, or, if for whatever reason, you do not wish to discuss your complaint with the class teacher, you can make an appointment to meet with the relevant phase leader.
- The staff in the school office can liaise on your behalf if you do not know who the relevant staff member is.
- Phase Leaders are available to meet parents/guardians, by appointment, at the end of the school day (morning appointments are sometimes available).

*We expect the majority of concerns will be resolved in this way (and will not be recorded as a formal complaint). However, if the concern is not resolved during Stage 1 or Stage 2, the following formal procedure will be adhered to:*

### **Stage 3: Discussion with a member of the Senior Leadership Team**

- If you feel that stage 2 has not adequately addressed your concern, or, if for whatever reason, you do not think it appropriate to discuss your concern with the class teacher or phase leader, you can make an appointment to meet with a senior leader. This may be the Headteacher, the Deputy Headteacher or one of the Assistant Headteachers and this will be determined by the nature of your concern and the availability of staff – our main aim is for concerns to be shared so that they can be resolved quickly. After meeting with you the Headteacher or Senior Leader will decide on the appropriate course of action, for example:
  - to refer the matter back to the class teacher or phase leader for further discussion under the earlier stages
  - to agree with you a resolution to your concern
  - to conduct an investigation into your concern before deciding on the outcome
- In the event of an investigation, the Headteacher or Senior Leader will write to you with the outcome once it has been concluded, which may be one of the following:
  - There is insufficient evidence to reach a conclusion so the complaint cannot be upheld;
  - The concern is not substantiated by the evidence;
  - The concern was substantiated in part or in full (some details may then be given of action the school may be taking to review procedures, but details of any disciplinary procedures will not be released).
  - The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).
- This stage will take no more than 20 school days to complete. All records will be retained by the school for monitoring purposes.

### **Stage 4: Referral to the Chair of Governors**

- If you feel that stage 3 has not adequately addressed your concern, you can then write to the Chair of Governors preferably using the formal complaint form attached to this document (someone else may write this on behalf of the complainant) or in any other written form. 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.



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- 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 paperwork, in a sealed envelope to the school office for the attention of the Headteacher or to the Chair of the Governing Body, as appropriate.
- A complainant wishing to proceed to the formal stage of the procedure should normally notify the Headteacher/Chair of Governors within 20 school days of being notified of the outcome of the informal stage.
- The Chair of Governors will consider your complaint and then decide on the appropriate course of action, for example:
  - to meet with you (you may be accompanied by a friend -not a member of the legal profession or the media - if you wish, to assist you in explaining the nature of your concerns)
  - to conduct an investigation into the concern
  - to convene a panel of governors to formally hear your concern
- The Chair of Governors will write to you with the outcome of stage 4 once concluded. They will also inform the complainant that they have a right to appeal to the Complaints Appeals Committee within 20 school days.

This stage will take no more than 20 school days to complete. All records will be retained by the school for monitoring purposes. Complainants have rights to copies of these records under the Freedom of Information and Data Protection Acts. The Governing Body will be informed in general terms of all formal complaints.

### Complaints concerning the Headteacher

- If you wish to make a complaint concerning the Headteacher, and it cannot be resolved via informal discussion with the Headteacher, then you should write to the Chair of Governors in line with Stage 4 of this procedure.

### Complaints about a governor, the Chair of Governors or the Governing Body

- Complaints about a governor should be referred to the Chair of Governors who will investigate and respond to the complainant. In dealing with this matter the Chair will seek advice from the Local Authority's Governor Services Team. Complaints about the Chair of Governors must be referred to the Clerk to Governors who would arrange for the complaint to be considered by the Complaints Appeals Committee of the Governing Body.

### Stage 5: Referral to the Governing Body Complaints Appeal Panel

- If you feel that your concern has not yet been adequately addressed, you may write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel.
- The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body Complaints Appeal Panel.
- The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.
- 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.
- The panel will look at written materials, consider the complaint and the Headteacher's (or Chair's) action, and may occasionally invite the Headteacher or Chair of Governors (as appropriate) to the meeting. They will seek further advice as necessary.
- However, it has to 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.
- 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;



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- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- The panel will notify all parties, in writing, of the final decision (including the reasons for the decision) and minutes of the hearing will be shared with all involved in the hearing.
- Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

This stage will take no more than 20 school days to complete. All records will be retained by the school for monitoring purposes. Complainants have rights to copies of these records under the Freedom of Information and Data Protection Acts. The Governing Body will be informed in general terms of all formal complaints.

### **Stage 6: Referring Complaints on completion of the school's procedure**

- If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.
- The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.
- For more information or to refer a complaint, see the following webpage:
- <https://www.gov.uk/complain-about-school>
- We will include this information in the outcome letter to complainants.
- Making an external complaint should only happen after the previous stages above have been exhausted.

### **Withdrawal of a complaint**

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

### **3. Unreasonable Complaints (Serial, Persistent or Vexatious)**

- The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.
- If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.
- There are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with **Appendix 2** of this policy.
- If the complainant tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.
- Should a complainant raise an entirely new, separate complaint, it will be responded to in accordance with the complaints procedure – the exemption can only be applied to requests themselves, and not the individuals who submit them.



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- In cases of unreasonably persistent complaints or unreasonable behaviour, 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 be unreasonable or unacceptable, and request a changed approach;
  - require any 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;
  - restrict the complainant to a single point of contact via an email address
  - limit the number of times the complainant can make contact e.g. inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
  - 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 a third party chosen by the school, for example the Local Authority or County Solicitor;
  - take legal advice on pursuing a case under Anti-Harassment legislation.

#### **4. Serious allegations or complaints**

- If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the Local Authority.
- If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of the Senior HR Officer and/or Senior Schools Finance Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities. The Scheme for Financing Schools requires the appropriate local authority finance office to be notified immediately of all such irregularities.
- If the allegations relate to the abuse of children, the Headteacher should seek the advice of the Local Authority Designated Officer (LADO), Senior HR Officer and other agencies such as Children's Social Care. Serious allegations of this nature must be referred under Child Protection Procedures to Children's Social Care. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".
- In all the above, consideration needs to be given to the possible suspension\* from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary and Dismissal Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be involved.

\*Suspension is a neutral act and is not a disciplinary sanction.

#### **5. Record keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.





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This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

### **Monitoring and Evaluation**

The governing body will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The chair of governors will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the headteacher and her personal assistant.

This policy will be reviewed by Personnel Committee every 3 years. At each review, the policy will be approved by the full governing body.

### **Equality Impact Assessment**

The school is committed to safeguarding and promoting the welfare of children, in line with Keeping Children Safe in Education 2018, and expects all staff and volunteers to share this commitment. We take seriously our duty of care to our pupils and staff which includes safeguarding them from the risk of being drawn into terrorism - this includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. We work closely with social care, the police, health services and other services to promote the welfare of children and protect them from harm. Radicalisation is recognised as a specific safeguarding issue and is addressed in line with the Government Prevent Strategy and The Counter-Terrorism and Security Act 2015.

### **Safeguarding Commitment**

The school is committed to safeguarding and promoting the welfare of children, in line with Keeping Children Safe in Education 2018, and expects all staff and volunteers to share this commitment. We take seriously our duty of care to our pupils and staff which includes safeguarding them from the risk of being drawn into terrorism - this





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includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. We work closely with social care, the police, health services and other services to promote the welfare of children and protect them from harm. Radicalisation is recognised as a specific safeguarding issue and is addressed in line with the Government Prevent Strategy and The Counter-Terrorism and Security Act 2015.

### **Privacy Policy**

Hillcross School is committed to ensuring protection of all personal information that we hold. We recognise our obligations under the GDPR and Data Protection act 2018. Our practice is documented in our Data Protection Policy.

**Written & Approved:** September 2014

**Reviewed:** June 2019

**Date of next review:** June 2022

### **Appendix One: Complaints not in scope of the procedure**



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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.

<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>	Concerns should be raised direct with local authorities (LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"><li>• Exclusion of children from school</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	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: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"><li>• Staff grievances and disciplinary procedures</li></ul>	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"><li>• Complaints about services provided by other providers who may use school premises or facilities.</li></ul>	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

### Appendix 2



## Hillcross Primary School

### Policy for Dealing with Unreasonable Complainants

Hillcross 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.

Hillcross 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.



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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 Hillcross 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 Hillcross Primary School.

### **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.

## **Appendix 3**

### **Roles and Responsibilities**

#### **The Complainant**



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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, 2 and 3 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 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.



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### 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; 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.

### Appendix 4

#### Interviewing Best Practice Tips

#### 14- Concerns and Complaints Procedures



## Hillcross Primary School

### 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 to sign the record as accurate.