



COMPLAINTS PROCEDURE

[AVANTI SCHOOLS TRUST]

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| This policy is in force until further notice from: | May-21 |
| This policy must be reviewed by: | May-22 |
| Policy Author(s): | Shamita Kumar |
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| [Only if policy applicable to ASL] The Avanti Services Limited Board adopted this policy on: | |
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COMPLAINTS PROCEDURE

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1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to [Avanti Schools Trust](#) about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2. The difference between a concern and a complaint

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 defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Avanti Schools Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the School Principal, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the School Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise a complaint formally. In this case, Avanti Schools Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3. How to make a complaint

A complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Principal) should be made in the first instance, to the School Principal via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to the Chair of the School Stakeholder Committee (SSC)/SW Hub Governance Board, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of the School Stakeholder Committee/SW Hub Governance Board, any individual SSC/SW Hub member or the whole SSC/SW Hub Board should be addressed to the Clerk to the SSC/SW Hub Governance Board, via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO), Executive Leaders or a trustee of the Trust, should be addressed to the Avanti Schools Trust Company Secretary, via the trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation, for example like the Citizens Advice Bureau to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure, such as providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal or Chair of SSC/SW Hub Governance Board, if appropriate, will determine whether the complaint warrants an investigation.

5. Vexatious or Repeated Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the School's resources to deal with it under the formal stages of the procedure.

In all these cases, the School reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within 10 school days of the complaint being raised to notify them of the decision.

6. Unreasonable Complainants

The Trust and its schools are 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 Trust and the schools. However, we do not expect our staff to tolerate inappropriate or hostile behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the Trust and its school, hinder our consideration of their or other people’s complaints’.

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

- Fails to comply with the complaints procedure 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 trivial or irrelevant 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;
- 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;
- makes excessive demands on school time by frequent or lengthy contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses falsified information;
- publishes inaccurate or confidential information in any variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the Trust and its schools 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 Principal or his/her nominee will discuss any concerns with the complainant informally before applying an ‘unreasonable’ judgement.

For complainants who excessively contact causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts made by specific complainants. This may 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.

7. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

8. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

9. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Avanti Schools Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|--|---|
| <ul style="list-style-type: none">Admissions to schools | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority. |
| <ul style="list-style-type: none">Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <insert LADO/MASH details>. |
| <ul style="list-style-type: none">Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the School Behaviour Policy can be made through this procedure (the complaints process)</i> |
| <ul style="list-style-type: none">Whistleblowing | We have an internal Whistleblowing Policy for all our employees, including temporary staff and workers. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . |
| <ul style="list-style-type: none">Staff grievances | Complaints from employees will be dealt with under the Trust's internal grievance procedures. |

| | |
|---|---|
| <ul style="list-style-type: none"> • Staff conduct | <p>Allegations relating to the conduct of our employees will be investigated and dealt with under the Trust’s internal disciplinary procedures, if appropriate.</p> <p>Complainants do not have the right to specify any actions to be taken with respect to staff and will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
|---|---|

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Avanti Schools Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

10. Resolving complaints

At each stage in the procedure, Avanti Schools Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

11. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

12. Stage 1 – Informal complaints

It is to be hoped that most complaints can be expressed and resolved on an informal basis. Complaints should be raised with either the class teacher, year head / subject head or Principal. Complainants should not approach individual SSC/SW Hub Governance members to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide a written response within 20 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

13. Stage 2 – Formal complaints

Formal complaints must be made to the Principal (unless they are about the Principal), via the school office. This may be done in person or in writing (preferably on the Complaint Form).

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Principal may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within 20 school days of the date of receipt of the complaint at Stage 2.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions of the school/Trust will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the SSC/SW Hub Governance Board

(including the Chair or Vice-Chair), a suitably skilled SSC/SW Hub member will be appointed to complete all the actions at Stage 2.

Complaints about the Principal or member of the SSC/SW Hub Governance Board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust, or
- the entire SSC/SW Hub Governance Board, or
- the majority of the SSC/SW Hub Governance Board

Stage 2 will be escalated to the CEO of the Trust (see below).

14. Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, including one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk of the SSC/SW Hub Board, via the school office, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will subsequently write to the complainant to inform them of the membership of the panel and to identify three possible dates for the hearing. They will aim to convene a meeting within 30 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire SSC/SW Hub Governance Board or

- the majority of the SSC/SW Hub Governance Board

Stage 3 will be heard by a panel consisting of at least two trustees of Avanti Schools Trust and one panel member who is independent of the management and running of the school. The independent panel member can be a member of a School Stakeholder Committee from any of the AST schools.

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

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

Representatives from the media are not permitted to attend.

At least 15 school days before the meeting, the Clerk will:

- confirm the date, time and venue of the meeting, ensuring that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 7 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school’s systems or procedures to prevent similar issues in the future.

The Chair of the Complaint Panel will provide the complainant and School/Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant in person and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Principal.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. According to the Retention Schedule, records will be kept as follows:

| | | | |
|--------|---|-------------------------------|---|
| GB 1.9 | Records relating to complaints made to and investigated by the Trust Board, SSC/SW Hub Governance Board | Management of legal challenge | Date of resolution of complaint + 6 years then review for further retention in the case of contentious disputes |
|--------|---|-------------------------------|---|

All 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.

15. Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **10 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant. Following the investigation, the CEO will write to the complainant confirming the outcome within **20 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO, Executive Leaders or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

NB. Where the Chair (or Vice Chair) of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

If the complainant is not satisfied with the outcome of this stage, the complainant should write to the Clerk to the Trust Board within 10 school days, asking for the complaint to be heard before a Complaint Panel (Stage 3).

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of three possible dates for the meeting. They will aim to convene a meeting within 30 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a panel consisting of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust but can be a Member of the Trust.

The complaint will proceed in accordance with that outlined under Stage 3 (above).

16. Next Steps

If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Avanti Schools Trust. They will consider whether Avanti Schools Trust (or the school) has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at:

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

17. Complaint Form

Please complete and return to the Principal/Clerk who will acknowledge receipt and explain what action will be taken.

| |
|---|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: Postcode: Day time telephone number: Evening telephone number: Email address: |
| Please give details of your complaint, including whether you have spoken to anybody 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 who:

Complaint referred to:

Action taken:

Date:

18. Roles and Responsibilities

a. Complainant

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

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

b. Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- 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
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

c. Clerk

(staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, CEO, Chair of SSC, Chair of SW Hub Governance Board, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

d. Clerk to the SSC/Hub Governance Board / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection

Regulation (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- make a record of the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

e. Complaint Panel Chair

The Complaint Panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the person or persons complained about are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted

- they liaise with the Clerk.

f. Complaint Panel Member

Complaint members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No SSC member / trustee may sit on the Complaint Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. An independent panel member is a person independent of the management and running of the school and can therefore be a member of another SSC from within the Trust.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the complainant and the person or persons complained about. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interest. The welfare of the child/young person is paramount.

g. Witnesses

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk at least 5 school days before the Complaint Panel Hearing, to enable the Clerk to forward it to the School or Trust's Representative and the Complaint Panel

members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

Members of staff of the School/Trust involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

19. Procedure at the Complaint Panel Hearing

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School or Trust Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The School or Trust Representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
- The School or Trust Representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The School or Trust Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School;
- The Complainant will be invited to ask the School's Representative questions, if any;
- The Complaint Panel will ask the School or Trust Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the School or Trust's relevant first witness will be invited into the room to give an account or what they saw or know;

- The Complainant will be invited to ask the School or Trust witness questions, if any;
- The Complaint Panel will ask the School or Trust witness questions, if any;
- The School or Trust witness will be asked to leave the room;
- If the School or Trust has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The School or Trust Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School or Trust's stance;

The Complaint Panel Hearing will conclude and the Complainant and the School or Trust's Representative will be asked to leave.