Complaints Policy

Responsible Staff	HS
Governors Committee Responsible	Full Governing Body
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Exhall Grange Specialist School Contact Details:

	Name	Contact Details
Headteacher	Helen Seickell	Email: head@exhallgrange.co.uk Telephone: 024 7636 4200
Chair of Governors	Nikki Hamilton	Email: hamilton.n@exhallgrange.co.uk Telephone: 024 7636 4200
Clerk to the Governing Body	Stephanie Bell	Email: stephaniebell@warwickshire.gov.uk Telephone:

Introduction

Exhall Grange Specialist School endeavours to provide the best education possible for all its pupils in a safe, open and transparent leaning environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised, the school intends for these to be dealt with fairly, openly, promptly and without prejudice.

To do so, the Governing Body of Exhall Grange Specialist School has agreed and adopted the following procedure which explains what you should do if you have any complaints about this School. Members of staff will be familiar with the procedure and will be able to help you.

Our commitment to you:

- ✓ We will deal with your concern or complaint in a professional manner
- ✓ Your concern or complaint will be looked into thoroughly, fairly and as quickly as possible
- ✓ We will keep you up to date with what we are doing
- ✓ We will apologise if the school has made a mistake
- ✓ We will tell you what we are going to do to put things right

Publication

There is a legal requirement for the Complaints Procedure to be included on the school website: www.exhallgrange.co.uk and a paper copy can also be requested from the school office.

Who can make a complaint?

This Complaints Procedure is not limited to parents or carers of children that are registered at our school. Anyone can make a complaint about any facilities of services that Exhall Grange Specialist School provides, unless separate statutory procedures apply (such as appeals relating to exclusions or admissions), this includes:

- parents or carers of children currently at the school
- parents or carers of children no longer at the school
- members of the public

- a third party acting on behalf of the complainant. In these cases, written consent will be required from the complainant before any information is disclosed.

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors will determine as appropriate whether the complaint warrants an investigation.

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*'.

A '**grievance'** is an issue raised by a member of staff where they feel the school has not implemented a policy or procedure fairly or properly. Grievances will be dealt with in line with Exhall Grange Specialist School grievance policy.

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 Complaint Procedure. Exhall Grange Specialist School takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible and provide any reassurances that may be necessary. However, there are occasions when complainants would like to raise their concerns formally. In these cases, Exhall Grange Specialist School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Our school aims to foster and maintain positive relationships with parents and carers through a timely response to all concerns.

The Governing Body of Exhall Grange Specialist School wants to ensure that potential complainants feel able to raise concerns with members of staff without formality, either in person by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion, or making a complaint. The member of staff who deals with the initial contact will:

- clarify the nature of the concern and reassure the complainant that we want to hear about it
- resolve the concern immediately if the member of staff can do so
- record the enquiry and any agreements made and notify the Headteacher

If the Complainant has difficulty discussing a concern with a particular member of staff, we will respect their views and, in these cases, the Headteacher will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer the concern 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.

If the member of staff cannot resolve the concern, they will:

- make a clear note of the name, contact address and telephone number together with details of the nature of the concern, together with the nature of the outcome the complainant is looking for

- refer the concern to the Headteacher, or more appropriate person

The staff member dealing with the concern will ensure that the Complainant is kept informed of any action take. The emphasis at this stage is on resolving the issue quickly and informally for the benefit of pupil, parents / carers and staff.

We understand however, that there are occasions when people would like to raise their concerns formally and, in this case, Exhall Grange Specialist School will attempt to resolve the issue internally, through the stages outlined within our Complaints Procedure.

How to Raise a Concern or Make a Complaint

Most concerns or complaints received will be from parents or carers regarding issues relating to an individual child or children. However, there may be occasions where concerns or complaints are received about the school's management of wider issues.

In nearly all cases, communicating face to face, between the appropriate member of staff and the parent / carer is the most effective way to address concerns or complaints. A good discussion, when all parties are listening to each other and seeking resolutions, will often be the most effective and quickest way of resolving an issue.

A concern or complaint can be made in person, in writing or be telephone. They may also be made by someone on your behalf, in these cases, written consent will be required from the complainant before any information is disclosed.

- Complaints concerning school staff (except the Headteacher) should be made in the first instance to the Headteacher via the School Office. Please mark them as Private and Confidential.

- Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the School Office. Please mark them as Private and Confidential.

- Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the School Governance Clerk to the Governing Body via the School Office. Please mark them as Private and Confidential.

- Complainants should not approach individual governors to raise concerns or complaints. Governors will not act on an individual complaint outside the formal procedure or be involved at the early stages as it may prevent them from considering complaints at stage 3 or 4 of the procedure.

Some complaints fall outside the school's complaints procedure, for example, staff grievances or staff conduct and / or competency. In these cases, if such an issue is brought to the Headteacher's or Chair of Governor's attention, the School will follow its own internal personnel processes. The complainant will be informed that an issue is to be considered as part of the school's personnel processes but will not be informed of the outcome of any such considerations.

Recording a Complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing detailing:

- the main issues raised the findings and any recommendations.
- whether the complaint was resolved following an informal route, formal route of panel hearing.
- actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the Headteacher.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the Complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

Where the school allows Complainants to record meetings, the following will be considered:

- how any decision to allow recordings may affect any third parties called to act as witnesses

- the impact and consequences on the individuals involved in the complaint if recordings are lost or leaked

Exhall Grange Specialist School will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire Governing Body. The exception to this is when a complaint is made against the whole governing body and they need to be aware of the allegations made against them, to respond to any independent investigation.

Complainants are likely to have a right to access copies of these records under data protection legislation.

Exhall Grange Specialist School will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

Complaint Campaigns

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints which are all based on the same subject and / or from complainants unconnected with the school.

Depending on the subject in question, Exhall Grange Specialist School may deviate from the procedure set out in this policy and would follow DfE recommendations.

Where Exhall Grange Specialist School becomes the subject of a complaint campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If Exhall Grange Specialist School receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g., parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

Duplicate Complaints

If Exhall Grange Specialist School has resolved a complaint under this procedure and receives a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- tell the new Complainant that we have already investigated and responded to this issue, and the local process is complete
- direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow the Complaints Procedure again.

Parental Responsibility

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

Understanding and dealing with issues relating to parental responsibility contains specific advice about how to approach issues concerning parental responsibility. Exhall Grange Specialist School will adhere to this advice as well a following this policy.

Anonymous Complaints

Exhall Grange Specialist School will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Recordings of Conversations

Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be accepted as evidence in the complaints process.

Use of Social Media

In order for concerns or complaints to be resolved as quickly and fairly as possible, Exhall Grange Specialist School strongly discourages parents / carers and other members of the school community to use social media platforms to publicly discuss concerns or complaints which should more appropriately be dealt with within the school processes for concerns and complaints.

Concerns or complaints will be dealt with confidentially for those involved, and Exhall Grange Specialist School expects parents, carers and members of the school community to also observe confidentiality.

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 third party organisations like the Citizens Advice to help you.

In accordance with the Equality Act 2010, we will consider what reasonable adjustments are necessary to enable Complainants to access and complete our Complaints Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. We take our duties under the Equality Act 2010 seriously and we encourage any person having difficulty accessing this procedure to contact us immediately in order that reasonable adjustments can be made.

Resolving Complaints

At each stage in the procedure, Exhall Grange Specialist School 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

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

Withdrawal of a Complaint

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

Timescales

Exhall Grange Specialist School expects that complaints will be made as soon as possible after an incident or issue arises and no later than three months afterwards. Complainants must raise the complaint within

3 months of the incident, or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. We will consider complaints made outside of this time frame if *exceptional circumstances* apply and the complaint can still be investigated in a fair manner for all involved.

Exceptional circumstances are where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether to enact the complaints procedure, informing the Chair of Governors of the decision.
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.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay

Complaints Outside the Scope

Some complaints will be outside the scope of these procedures as there are separate statutory procedures to deal with such issues. These include:

Complaints outside the scope	Who to contact
• Admissions to schools • Education, Health and Care Needs Assessments • School re-organisation proposals	Concerns about admissions, Education, Health and Care Needs Assessments or school re-organisation proposals should be raised with Warwickshire County Council
• 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 LA Designated Officer (LADO) who has local responsibility for safeguarding or Warwickshire Children and Families Front Door (Front Door) 01926 414144.
• Exclusion of children from school	Further information about raising concerns about exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions complaints about the application of the behaviour policy can be made through the school's complaints procedure. https://www.exhallgrange.co.uk/wp-content/uploads/2019/11/Behaviour-Policy.pdf
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.

• Staff conduct and / or Competency Complaints	Complaints about staff will be dealt with under the school's internal personnel procedures, if appropriate. Complainants will not be informed of any outcomes of the complaint or action taken in relation to a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Whistleblowing	Exhall Grange Specialist School has an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. They may also be able to complain direct to the LA or the Department for Education (see link below), depending on the substance of their complaint. 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
• Complaints about the curriculum	Please contact the Department for Education at: www.education.gov.uk/contactus
• Complaints about collective worship	Any complaints about the content of the daily act of collective worship should be addressed to the LA.
• Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of Religious Education including the DACW (Daily Act of Collective Worship). 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, school will advise them to follow their complaints procedure. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship. Should parents wish to withdraw their child from sex and relationship education they should refer to our schools Sex and Relationship Education policy.
• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct

• Complaints relating to data protection, including concerns about the handling of personal data or the exercise of data protection rights.	Such complaints will be dealt with under the school's separate Data Protection Complaint Handling Procedure, in accordance with the data protection legislation. This document is available on the school website and includes a form to be completed.

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 a Complainant commences legal action against Exhall Grange Specialist School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

The Role of the Local Authority (LA)

There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the Complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or School Governance Clerk as appropriate

Reviewing and Monitoring Arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated above.

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 practices to help prevent similar events in the future.

The Complaints Procedure will be reviewed every year considering the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the Governing Body.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The Complaints Procedure

This stage does not apply to complaints against the Headteacher, a Governor, or the Governing Body.
Informal
The intention of Exhall Grange Specialist School is to create and maintain a safe, happy and healthy learning environment and the staff and governing body seek to establish a spirit of cooperation with parents, carers and other interested parties to ensure that a positive school community ethos is established to achieve and maintain this
It is in everyone's interest to resolve concerns at the earliest stage and the school's experience is that many issues can be resolved by proactive and timely discussion between the appropriate people. The school therefore takes informal concerns extremely seriously and will make every effort to resolve the matter quickly and effectively.

To assist this, the concern should be raised as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person or by letter, telephone or email. If the person with the concern is unclear who to contact or the process involved the school office will be able to assist

If the person with the concern has a difficulty discussing it with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member.

Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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.

If the issue remains unresolved, the next step is to discuss it informally with a more senior member of staff. This could include the Key Stage Assistant Head / Deputy Headteacher or Headteacher. If, following this, the issue remains unresolved, the next step could be to offer **informal mediation**.

Mediation

At **any stage of the complaint process**, Exhall Grange Specialist School may consider the use of mediation to help resolve a concern or complaint.

If both parties agree to mediation it can be a very useful way of helping people to resolve their differences and find an agreed way forward.

Mediation can be sought at any point during the processes of resolution and investigation, it is an informal, impartial and voluntary process which aims to resolve conflicts to the benefit of all.

Mediation does not apportion blame but concentrates on developing a better understanding of each other's point of view. If both the School Representative and Complainant emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.

Taking part in mediation does not prevent a complainant having the option to consider formal stages in the complaints process and it is not to be used as a substitute for an investigation during the formal stage of the Complaints Procedure

Exhall Grange Specialist School may use an independent person to facilitate the mediation meeting although many Chairs of Governors and other governors already have the skills to conduct a mediation process between the School Representative and Complainant.

The skills and attributes include:

- ability to listen impartially to both sides
- ability to control a dialogue so that both sides listen to each other
- ability to summarise the arguments and focus the dialogue
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved.
- understanding that mediation does not always work and there is a further step available to complainants.

While mediation can be useful in helping the School and Complainant to reach an agreement and move forward, there are times when it may not be the most appropriate course of action.

Warwickshire Governor Services are able to provide mediation advice and support to the Governing Body.

Stage 1 – Review by Headteacher

This stage does not apply to complaints against the Headteacher, a Governor or the Governing Body.

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

The complaint must be made to the Headteacher via the School office. This may be done in person, by letter (preferably on the complaint form), by email or telephone. The Headteacher will record the date the complaint is received and will acknowledge receipt in writing, by letter or email, within 5 working school days. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Headteacher 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 Headteacher (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
- keep a log of all correspondence in relation to the complaint in accordance with data protection principles

The Headteacher or investigator will keep in mind ways in which the complaint can be resolved. It may be enough to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (please note this is not an admission of negligence)
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 15 school days (excluding those that fall in the school holidays) of the date of receipt of the complaint.

If the Headteacher 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 Exhall Grange Specialist School will take to resolve the complaint and any other actions the school will take to improve policy and practice.

After considering the available evidence, the Headteacher can decide to:

- uphold the complaint and direct that certain action be taken to resolve it
- uphold the complaint in part and direct that certain action be taken to resolve it
- dismiss the complaint entirely

If the Headteacher feels it is necessary and useful, they may offer the Complainant a meeting to discuss the response and seek reconciliation.

The Headteacher will advise the Complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Should the Complainant wish to escalate their complaint to Stage 2, they must do so within 10 school days of the date of the formal written response setting out the outcome of the Stage 1 process.

Stage 2 – Investigation by Chair of Governors / Suitably Skilled Governor

Complaints at this stage are in one of three categories:

1. The Complainant is not satisfied with the outcome at stage 1

2. The Complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair)

3. The complaint is about:
   - the Chair and Vice Chair or
   - the majority of the Governing Body or
   - the entire Governing Body

For **all 3 categories above** the complainant must write to, or email (preferably on the Complaint Form) the School Governance Clerk to the Governing Body via the school office to request that their complaint is considered at Stage 2. They should set out the details of the complaint and include appropriate evidence.

The Complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently if this applies.

The School Governance Clerk will record the date the complaint is received and will acknowledge receipt in writing, by letter or email, within 5 school days.

Complaints about the Headteacher or Governing Body

If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Body must be made to the School Governance Clerk, via the School Office.

If the complaint is about

- the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

The School Governance Clerk may seek advice from Warwickshire Governor Services, as to how the complaint should be dealt with and the Complainant will be advised accordingly.
The Chair of Governors or nominated governor will investigate the complaint and contact the Complainant if they feel a face-to-face meeting would be helpful.

At the conclusion of the investigation, the Chair of governors / suitably skilled governor / investigator will provide a formal written response within 15 school days of the receipt of the complaint. If they are unable to meet this deadline, they will provide the Complainant with an update and revised response date.

The response will refer to actions taken to investigate the complaint and an explanation of the outcome and the reason(s) for it. Where appropriate, it will include details of actions Exhall Grange Specialist School will take to resolve the complaint and any other actions the school will take to improve policy and practice.

Where further investigations are necessary and it is not possible to complete these within the timescale set out above, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.
The Chair of governors / nominated governor / investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2. Should the complainant wish to escalate their complaint to Stage 3, they must do so within 10 school days of the date of the formal written response setting out the outcome of the Stage 2 process.

In the case of a written complaint received directly by the Governing Body, the Chair of Governors should first ensure that:

- the complaint has first been dealt with at Stage 1
- the complaint is within the scope of the Complaints Procedure

Stage 3 – Governing Body Review Panel

This is the **Final Stage of Exhall Grange Specialist School Complaints Procedure**.

The Complainant must write to the School Governance Clerk within 10 school days from the date of the formal written response requesting that their complaint is considered at Stage 3.

Preferably using the **Complaint Form**, the Complainant should set out the details of the complaint and include appropriate evidence. They should also specify what they feel would resolve the complaint, and how they feel the previous stages of the procedure have not addressed their complaint sufficiently.

Stage 3: Timeline

1	Within 5 school days of receipt of a request the School Governance Clerk will arrange a Governing Body Review Panel Meeting. The Panel members will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the Complainant's needs. In some circumstances, it may be possible and appropriate for the Chair of Governors to resolve the issue with the Complainant without the need for a panel hearing.
2	The panel must set a date to meet as soon as reasonably practical but no longer than 15 school days from the date of the acknowledgement of the letter of complaint. However, where further investigations are necessary, new time limits may be set. The Complainant will be sent details of the new date and an explanation for the delay.

3	The School Governance Clerk will write to the Complainant, acknowledging that the complaint has been received. The letter will explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents will also be given. The Headteacher will also be invited to submit a written document for the complaints panel. The Headteacher may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing. Any evidence and documentation that the Complainant and school wish to submit in relation to their complaint must be sent to the School Governance Clerk at least 5 school days before the meeting. The School Governance Clerk will inform the complainant of three proposed Complaints Review Panel Meeting dates and ask for a preference within 10 school days. The Complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the Complainant and reach a conclusion in the interests of drawing the complaint to a close, if the Complainant is unable to make any of the three dates proposed. If the Complainant rejects the offer of 3 proposed dates, without good reason, the School Governance Clerk will set a date. The hearing will go ahead in the absence of the complainant and the school using written submissions from both parties.
4	If the Complainant or School wishes to call witnesses the names of these witnesses must be given to the School Governance Clerk at least 5 school days before the meeting. The Complainant and School are responsible for ensuring that the witnesses are aware of the time / date / location of the meeting. The Complainant can be accompanied, but not be represented by a suitable companion. *(This should not be legal representation as the Governing Body Review Panel is not a form of legal proceedings)*. The name of the suitable companion must be given to the School Governance Clerk 5 school days before the meeting.
5	At least 5 school days before the date of the meeting the School Governance Clerk will: • confirm and notify the Panel members, Complainant, Headteacher and any relevant witnesses of the date, time and venue of the meeting, ensuring that, if the Complainant is invited, the dates are convenient to all parties and the venue and proceedings are accessible • circulate any written material to all attendees. The Governing Body Review Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
6	If the Governing Body Review Panel cannot meet because the end of term is less than 15 days from the date of acknowledgement of the letter of complaint, it must meet within 10 days of the start of the new term.
7	The Governing Body Review Panel will communicate their findings to all parties concerned within 10 school days of their meeting.

At all times the School Governance Clerk will provide anticipated dates and times and keep all parties informed of any changes.

Stage 3: Panel Membership

The panel will consist of at least 3 members of the Governing Body with no prior involvement or knowledge of the complaint. Prior to the meeting one of the members will be appointed as the Chair of the panel. If there are fewer than 3 governors from Exhall Grange Specialist School available, the School Governance Clerk will source any additional, independent governors through another local school with whom Exhall Grange Specialist School has a Joint Hearings Panel agreement in place. Alternatively, an entirely independent Complaints Committee may be convened to hear the complaint at Stage 3.

If the whole Governing Body is aware of the substance of a complaint before the review panel meeting has been completed, an independent panel will be arranged to hear the complaint.

If the Complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent panel – Complainants should provide evidence to support their request. Whilst the final decision regarding such a request rest with the Governing body, it should be granted where the appearance of bias is enough to taint any decision reached.

To appoint a governor from another school onto an independent complaints appeal panel, the Governing Body does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced.

Governors from academies may be asked to serve on a Complaints Appeal Panel.

A pupil has the right to be accompanied at a Complaints Appeal Panel Meeting and extra care will be taken to consider the vulnerability of children where they are present at a Complaints Appeal Panel.

Stage 3: Hearing Process

If the Complainant is invited to attend the meeting, they must be allowed to be accompanied. This can be a relative or friend. Generally, we do not encourage either party to bring legal representation as the Governing Body Review Panel is not a form of legal proceedings. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and / or legal representation.

Representatives from the media are not permitted to attend.

The Chair of the review panel will ensure that notes are taken during the meeting. The notes will summarise the procedure followed and the discussions taking place during the meeting but will not include the deliberations of the panel.

The notes are the property of the Governing Body, the final approved version can be made available upon request, with release subject to the rules set out in the UK GDPR and the DPA 2018 legislation.

The Chair of the review panel will keep the proceedings as informal as possible as Complainants may not

be comfortable in formal meetings and may feel inhibited in addressing the panel. This is particularly important if the complainant is a child.

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 meetings or conversations take place. Consent will be recorded in any notes taken.

The Governing Body Review Panel will consider all stages of the complaint. This is to make sure that decisions are not taken in isolation and there is a mechanism by which decisions are considered independently. If a new issue arises the panel members will use their discretion to decide if it is appropriate to consider and comment upon; this may require a short adjournment of the meeting.

However, the panel may decide it is not appropriate to review any new item at this stage or for any evidence unrelated to the initial complaint to be included. In these circumstances, new complaints must be dealt with from the informal stage of the procedure.

Members of the review panel will be open-minded and independent. The aim of the meeting is 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 that will satisfy the Complainant that his or her complaint has been taken seriously.

The meeting will be held in private. Any witnesses (other than the Complainant and the Headteacher) should only attend for the part of the meeting in which they give their evidence.

The meeting will allow for:

- the Complainant and the school to have an opportunity of explaining their case within a reasonable specified time limit without undue interruption so that the issues are addressed, and key findings of fact established
- the Complainant and the School to have the opportunity to give statements and present their evidence, and witnesses called as appropriate to present their evidence
- the panel members, the Complainant and the school representative to be given the chance to ask and reply to questions
- the Complainant and the Headteacher to summarise their position

Once the panel considers they have all the information required the Chair of the review panel will explain to the complainant and the school representative that the panel will consider its decision and respond in writing as soon as possible, but no later than within 15 school days.

The School Governance Clerk will escort the complainant, school representatives and witnesses from the meeting room.

The School Governance Clerk will return to the meeting room and remain present to record the outcome of the hearing but not the discussion that takes place.

The Panel will consider the complaint and all the evidence presented. They will then decide:

- whether or not they uphold the complaint, in whole or in part
- what action can be taken to resolve the complaint
- where appropriate, recommend what action can be taken to prevent similar difficulties in the future
- whether to dismiss the complaint in whole or in part

The Chair of the Panel will provide the Complainant and the School 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 Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled.

Next Steps

If the Complainant believes the school 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 Department for Education (DfE) after they have completed Stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Exhall Grange Specialist School. They will consider whether Exhall Grange Specialist School has adhered to education legislation and any statutory policies connected with the complaint.

The Complainant can refer their complaint to, the DfE online at:
www.education.gov.uk/contactus , by telephone: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

This information will be included in the outcome letter to the Complainant(s).

Habitual (*Persistent*) or Vexatious (*Unreasonable*) Complaints

The difficulty in handling habitual and / or vexatious complainants can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Where a complainant tries to raise an issue which has already been dealt with through the school's complaints procedure, and everything that could be reasonably done in response to the complaint has been done, the school will not reinvestigate the complaint except in exceptional circumstances, such as if new evidence has come to light.

Each case will be viewed individually and decided on its merit. However, a complainant (and / or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- Refuse to co-operate with the school's relevant procedures.
- Change the basis of the complaint as the complaint progresses by raising further concerns or questions.
- Are unwilling to accept the final decision and seek an unrealistic outcome.
- Refuse to accept documented evidence of action taken or denies receiving information in spite of correspondence specifically answering their questions.
- Have meetings or telephone conversations recorded and circulated to others without the prior knowledge and consent of all parties involved.
- While addressing a complaint, have an excessive number of contacts with the school, placing unreasonable demands on staff time. A contact may be in person, or by telephone, letter, or email.
- Seek to pursue a complaint where the concerns identified are not within the remit of the Governing Board to investigate.
- Make unreasonable demands and fail to accept that these may be unreasonable, for example, insisting on responses to complaints of enquiries being provided more urgently than is reasonable or within the complaint's procedure or normal recognised practice.
- Harass or are personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out

of character in terms of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.

Dealing with Habitual (*Persistent*) or Vexatious (*Unreasonable*) Complaints

In cases of persistent or unreasonable complaints, or harassment, the Headteacher and Chair of Governors will determine what action to take. It may be decided to deal with complainants in one or more of the following ways:

- Inform the complainant that their behaviour is now considered to be unreasonable or unacceptable and request a changed approach.
- Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained.
- To restrict contact to liaison through a designated member of staff.
- Notify the complainant in writing that the Governing Board has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose.
- Inform the complainant that any form of contact in relation to their complaint, or similar issues to their complaint, will be acknowledged but not answered.
- Withdraw Implied Permission which allows the complainant to enter the school site, without prior written consent either using the school's policy for Dealing with Unacceptable Behaviour on School Premises, and / or seeking legal advice to ensure the appropriate procedures are used.

When a complainant has been determined as habitual or vexatious, that status will be regularly reviewed and, where appropriate, withdrawn at a later date. This action may be appropriate when the complainant demonstrates a more reasonable approach or submits a further complaint which will be dealt with as a new complaint.

A panel of 3 governors should review a decision to categorise a complainant as habitual or vexatious every six months and decide if that category can be amended or withdrawn. The complainant will be given notice of this decision immediately.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Governance Professional who will hold and maintain a central, secure register of such decisions.

Complaint Form

Please complete and return to the Headteacher 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):
Day time telephone number: **Evening telephone number:**
Your desired outcome(s) – What are you hoping to achieve?
Key points of your complaint – Please summarise the key issues for you
Timeline – please summarise the sequence of events – in date / time order
Are you attaching any paperwork? Please give clear references and indications of documents, records, policies, and any other documents that will help us to understand your point of view and your complaint

Signature: **Date:**
Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date: