Scapegoat Hill J & I School



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Complaints Policy

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Insert school name/logo

Note

If using this model policy, governing boards **must** tailor it to their own school; the text in GREEN **must** be edited to be specific to the school as agreed by the governing board, Kirklees recommended timescales have been included.

The DfE has now published separate guidance for academies https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures

INTRODUCTION –

In line with our Mission Statement, **Scapegoat Hill Junior and Infant School** is an inclusive **primary school**, which places great emphasis on relationships and wellbeing. We provide a first-class education to our students, so that all can achieve their potential. We do so in an open and transparent environment and welcome any feedback that we receive from parents, students and third parties; we also accept that not all feedback will be positive. Where concerns are raised the school intends for them to be dealt with:

- fairly
- openly
- promptly
- without prejudice

In order to do so, the Governing Board of **Scapegoat Hill Junior and Infant School** has approved this policy which explains what you should do if you wish to share concerns or make a complaint about the school. The policy is reviewed every year to ensure it is accurate and fit for purpose. This policy will be shared with all members of staff and governors, who can be available to assist you if required. It has been drawn up combining best practice advice from the Department for Education (DfE), the National Governors' Association (NGA), Kirklees Council and good practice from Kirklees schools. The policy is divided into three parts, Principles of the Procedure, Formal Stages of the Complaints Procedure and Annex of Documents Relating to the Procedure. As relevant information is in all three parts, please read the full document before raising a concern or making a complaint.

PART 1 - PRINCIPLES OF THE PROCEDURE

1.1 DECISION MAKING

All decisions made will be mindful of The Seven Nolan Principles of Public Life:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

1.2 COMPLAINTS OUTSIDE OF THIS POLICY

Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under the relevant staff policy and procedures, if appropriate, but outcomes will not be shared with them. Other matters fall outside this policy and a full list can be found in Annex Document 1

1.3 TIMELINESS

In fairness to all parties involved, complaints need to be considered and resolved as quickly as possible. In order to do so time limits are applied in this policy however the school reserves the right to extend them should circumstances or length of the investigation/fact-find require this to be done. If time limits are extended or are likely to be, this will be communicated to the complainant at the earliest opportunity. This is particularly with regard to complaints which are received in any of the school holidays or at the end of any term i.e., where it is not reasonable or practical to be able to conduct an investigation.

The school will make all reasonable attempts to find mutual convenient meeting times in consultation with the complainant. At each stage 3 dates will be offered to parents should these be declined; the complainant will be expected to offer a convenient date within 3 weeks of making the complaint.

1.4 LEGAL REPRESENTATION

At no stage are complaints a form of legal proceedings and neither the school nor the complainant should bring legal representation into any stage of the procedure. The aim is reconciliation, to put things right that may have gone wrong and to prevent reoccurrence. We do however recognise that there may be occasions where legal representation may be appropriate, for example, if a school employee is a witness in a complaint they may be entitled to union or legal representation.

If a complainant commences legal action against the school in relation to their complaint consideration will be given as to whether to suspend the complaints procedure until the legal proceedings have concluded.

1.5 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 about actions taken or a lack of action.'

It is in the interest of everyone involved that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally (concerns), without the need to use the formal stages of this policy. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If at any point communication breaks down during the handling of a concern/complaint, mediation is a valuable strategy to enable and facilitate resolution.

Mediation can only be included as part of the informal stage of the process. Mediation is informal, impartial and voluntary and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships.

We understand however, that there are occasions when people would like to raise their concerns formally as a complaint. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints policy.

1.6 TIMESCALES FOR MAKING A COMPLAINT

In order for us to deal with a complaint as effectively as possible, notification of a complaint should be made to school as soon as possible after the issue that led to the complaint has occurred and after all informal attempts to find a resolution have proved unsuccessful. **Complaints submitted more than 3 months after the issue that led to the complaint occurred will not be considered under this policy unless there are exceptional circumstances.** These may include (but are not limited to) subsequent information about the complaint coming to light and a valid explanation of why it was not possible to give notification of the complaint sooner. In such cases the Principal/Head Teacher or Chair of Governors, as appropriate, will review the circumstances and if necessary, seek advice and determine whether the complaint should be considered under this policy. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

1.7 WHO CAN MAKE A COMPLAINT?

This complaints policy 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 school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, we will use this Complaints Policy. (See Annex Document 1 for details of complaints that fall outside this policy). We will not normally investigate anonymous complaints. However, the Principal or Chair of Governors will determine whether the complaint warrants an investigation. Requests for anonymity will be considered, provided the named complainant has come forward.

1.8 TAKING NOTES OF MEETINGS AND TELEPHONE CALLS

To prevent any later challenge or disagreement over conversations, our staff, and governors will take notes of meetings and telephone calls during all stages of the procedure. Complainants should note that this is also good practise for them. All notes will be kept securely and encrypted where appropriate. All written notes will be added to the complaint record. Data on all complaints will be retained for purposes of school evaluation.

NB: The Schools Toolkit 2019 on Information & Records Society gives a good guide to retention within schools and mentions complaints on page 69 (1.1.17).

1.9 COVERT AUDIO OR VIDEO RECORDING

Complainants must ensure that they obtain informed consent from all parties before recording conversations or meetings including telephone conversations. The school reserves the right not to allow in evidence any audio or visual recording of a telephone call or meeting unless informed consent has been obtained and recorded.

1.10 MAINTAINING CONFIDENTIALITY

Informal concerns and formal complaints will be dealt with confidentially at all stages including the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved and we request that complaints are not discussed publicly, including via social media.

Actions taken in relation to school staff that arise as a result of a concern or complaint will remain confidential to the school and the member of staff concerned.

Written records taken and used throughout the concern / complaint's procedure, including correspondence, notes of meetings, telephone calls etc. will be kept securely and in accordance with the principles of the Data Protection Act 2018.

1.11 SAFEGUARDING

Wherever a concern or complaint indicates that a child's wellbeing or safety is at risk, the school is duty bound to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy. This policy is available on our website or on request to the school office.

1.12 RESOLUTION

At each stage in the procedure, our aim is to resolve the concern or complaint. If a complainant has any difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, the complainant will be directed to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we will refer the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. It may be that the complaint is resolved at this stage.

However, to progress to formal stage parents MUST state what actions they feel might resolve the concern/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;
- 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.

Please note that none of the resolutions above would constitute an admission of liability or negligence.

1.13 WITHDRAWAL OF A COMPLAINT

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

1.14 CLOSURE OF COMPLAINTS

Very occasionally we may feel that it is necessary to close a concern or complaint where the complainant is still dissatisfied. We will do all we can to ensure we resolve all concerns and complaints, but sometimes it is not possible to meet all of a complainant's wishes, and it may be necessary to simply agree to disagree and move on. If however a complainant continues to make representations to the school or attempts to re-open the same issue, the Chair of Governors will inform them, in writing, that the procedures have been followed and all reasonable action has been taken to try and resolve the issue and that the matter is now closed.

1.15 DUPLICATE COMPLAINTS

If after closing a complaint at the end of the procedure, a duplicate complaint about the same subject is received from a:

- spouse
- partner
- grandparent
- child

The new complainant will be informed that the complaint has already been considered, and the process is now complete.

1.16 COMMUNICATING THE OUTCOME

At the conclusion of a formal complaint, we will inform the complainant of:

- the conclusion and reasons for any decisions in writing
- any further rights of appeal

Copies of minutes will be issued to complainants on request. Please note that copies of minutes provided to complainants may have confidential sections redacted.

1.17 UNREASONABLE COMPLAINTS AND BEHAVIOUR

We value good home / school relations and will therefore do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly and to the satisfaction of all concerned. We will treat all concerns and complaints seriously and all our staff will be courteous throughout the procedure. In return, we expect parents and other complainants to behave respectfully towards all members of our school community. We also ask, in particular, that any disagreement with the school should not be expressed inappropriately or in front of students.

We will not tolerate any unacceptable behaviour which may be abusive, threatening or offensive directed towards any of our school community. If such behaviour is used, consideration will be given to reporting it to the police and the person responsible being asked to leave our premises. On rare occasions the behaviour of a complainant may pose an ongoing threat to the school community. If this occurs, consideration will be given to sending a letter to the complainant threatening a ban on entering the school grounds or premises. In extreme cases, we will consider imposing an actual ban on the complainant and a referral to the police. Our staff will not meet complainants alone if there is a risk of abuse of any kind. (Annex Document 6 for the full procedure around unreasonable complaints)

1.18 POLICE INVESTIGATIONS

Should a concern or complaint be referred to the police either by the school, the complainant, the local authority or a third party the school will take legal advice as to whether its investigation should be suspended pending the outcome of the police investigation.

1.19 RETAINING DATA ON COMPLAINTS

Complaint records will be retained for 1 year after the complaint outcome has been finalised, unless a longer retention period is required by statutory regulations, legal obligations, or ongoing proceedings. Anonymised complaint data may be retained for up to 5 years after the outcome has been finalised for monitoring, reporting, and service improvement purposes.

1.20 GENERAL POINTS

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from being involved at a later point.

We do appreciate that complainants may have other communication preferences due to disability, learning difficulties or where English is the second language. If this is the case, a complaint can be made in person, by telephone or by a third party acting on behalf of the complainant. Should the latter be used, we will seek consent, in writing where possible, from the complainant before disclosing information to a third party.

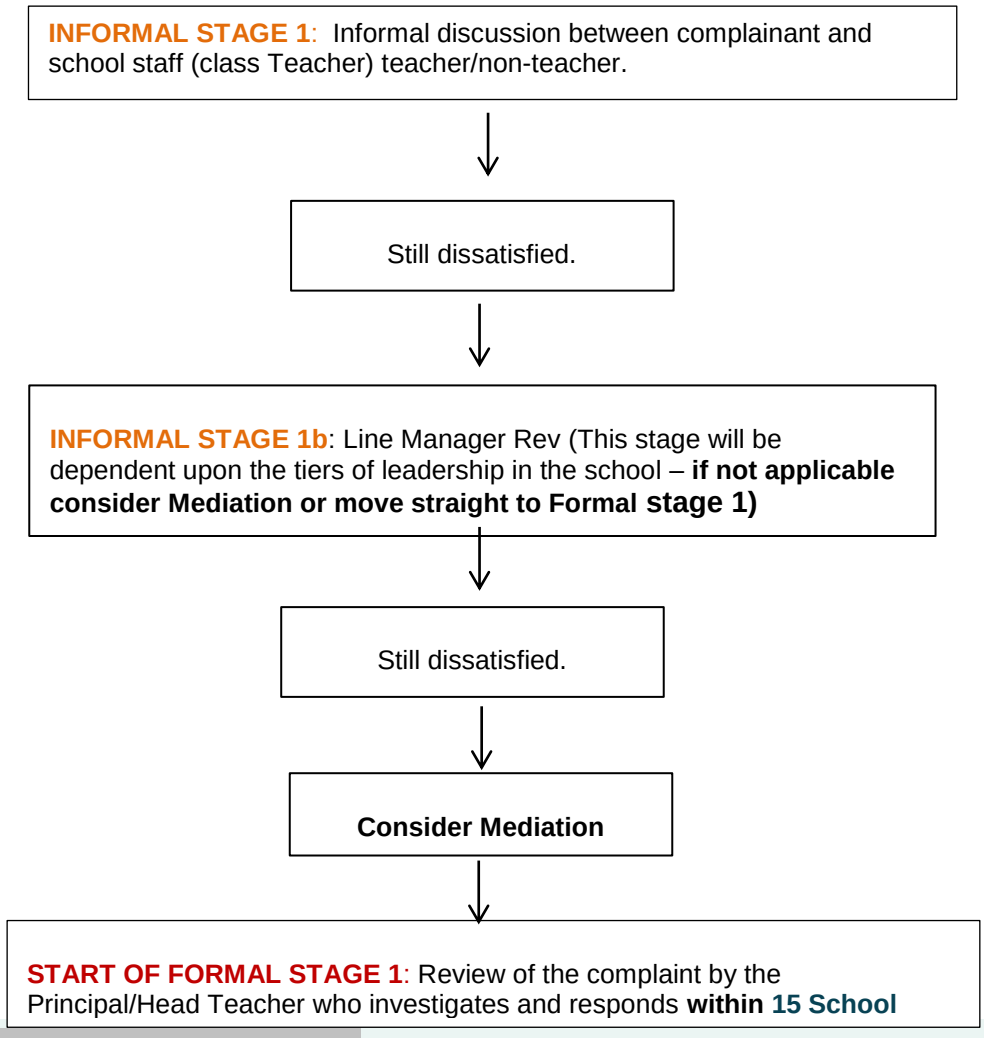
If you require help in completing the complaint form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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

PART 2 - INFORMAL STAGE

There are a number of stages in the handling of any complaint. The school will always seek to resolve the complaint at the lowest possible level. We recommend that complainants and schools attempt informal resolution before making a formal complaint. Formal Stage 1 will be applied in all instances, except where there is a serious allegation against a member of staff or those listed in Annex 1. The complainant will receive an acknowledgment for the complaint within 48 hours. The response will be provided within 10 working days. Please note any direct communication with staff named in the complaint will not be permitted.

Please refer to the flow chart below for ALL informal stages.



PART 3 – FORMAL STAGE 1

Once the informal stage, an informal discussion and where appropriate mediation has been considered, formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form – Annex Document 2), or by telephone.

The Principal/ Headteacher 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 the acknowledgment, the Principal/Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved from any attempted resolution of a complaint and, as far as possible, explain how the complaint will be investigated and the timescale for completing the investigation.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team (this person will become the complaint investigator) but not the decision to be taken.

If the Principal/Head teacher believes that it may be beneficial in either resolving the complaint or gathering further information, he / she may consider requesting an early face to face meeting. For the purposes of any meetings held within this procedure, the complainant may be accompanied by someone to help in the explanation of the complaint or simply to provide support. This should however not be a legal representative. The Principal/Head Teacher may also be accompanied by a suitable person if they wish. A copy of this policy will also be enclosed with the acknowledgement.

The meeting may be minuted by an independent clerk.

The Principal/Headteacher (*or investigator*) will consider all relevant evidence. This may include, but is not limited to:

- obtaining statements from the complainant and those involved with the complaint;
- a further meeting with the complainant and those involved in the complaint;
- reviewing correspondence and other document relating to the complaint;
- interview and taking statements from witnesses;
- an interview with a person complained about;
- review CCTV images.

When interviewing witnesses, the Principal/Head Teacher (*or investigator*) will explain their role clearly and confirm that the witness understands the complaints procedure and their role within it. They will use open, not leading questions and will be careful not to express opinions in words or actions or to lead the witness. Whilst conducting the investigation they will try to separate hearsay evidence from fact by asking witnesses how they know a particular fact and will always seek corroborative evidence where possible. Witnesses and interviewees will always be asked to check statements and notes of interview for accuracy and will be invited to sign to confirm that the statement is their own words or that the notes of an interview are an accurate record of what was said.

At the conclusion of their investigation, the Principal/Headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

The response will include the grounds on which it was made, and any actions taken as a result of the complaint (some actions may be confidential). If it has not been possible to complete a thorough investigation within this timeframe, the Principal/Headteacher will provide the complainant with an update and a revised completion date.

The complainant may be invited to a meeting to fully discuss the investigation and/or the decision made as part of our commitment to build and maintain good relations. The written notification will also advise: the complainant of their right to escalate the complaint to Stage 2 of the formal complaint's procedure (Annex Document 4).

If the complaint is about the headteacher, or a member of the Governing Board (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 Board must be made to the Clerk c/o School Governor Service, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the governing board

The LA will commission an independent reviewer, on behalf of the Governing Board, to conduct the Stage 1 investigation. The cost of this commissioning work will be the responsibility of the school. At the conclusion of their investigation, the independent reviewer will provide a formal written response within the agreed timescale. Please refer to PART 7 of this policy which advises on LA managed stage one complaints where the governing board cannot investigate.

If the Governing Board refuse to take LA advice and insist on the independent investigation to be commissioned outside of the LA it will be the duty and responsibility of the Governing Board to instruct the school's DPO to deal with any GDPR data processing schedules, sharing agreements and contracts. In this instance the LA will only act as the administrator. Please refer to PART 8 of this policy which provides guidance on data handling and Third-Party investigators.

PART 4 – FORMAL STAGE 2

If the complainant is dissatisfied with the outcome at Formal Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 - a meeting with members of the governing boards complaints committee, which will be formed of the first three, impartial, governors available.

This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made to the Chair, via the school office, within **14 school days** of receipt of the Stage 1 response.

The date the complaint is received will be recorded and an acknowledgment receipt of the complaint sent in writing (either by letter or email) within **5 school days.**

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

On receipt of a request to escalate to Formal stage 2 the Chair (or Vice Chair if the complaint is about the Chair) whether they feel conducting a fact-finding (stage 2a) maybe beneficial in either resolving the complaint or gathering further information, he / she may consider requesting that a formal fact-find be carried out of the complaint, it's handling, and any conclusions made to date.

This may be carried out by the chair, or any governor(s) who have not had any involvement in the complaint previously; governors will need to ensure sufficient governors are available for a stage 2b panel if required. The chair may wish to commission an independent person which would be agreed by the governing board. If this course of action is agreed, it must be communicated in writing to the complainant with agreed timescales.

However, if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the governing board

Stage 2 will need to be conducted by a panel of 3 governors made up from another governing board which will be determined by the LA.

STAGE 2A – FORMAL FACT-FINDING EXERCISE

(This stage is optional in the event that stage 1 has been completed by school staff)

The fact find may involve:

- obtaining statements from the complainant and those involved with the complaint;
- a further meeting with the complainant and those involved in the complaint;
- reviewing correspondence and other document relating to the complaint;
- interview and taking statements from witnesses;
- an interview with a person complained about;
- review of other information.

As part of the fact finding exercise the person conducting the fact find will keep a written record of all meetings, interviews, statements, and other related document for review at Formal Stage 2 if necessary. After considering the available evidence, the Chair, or the person(s) who have carried out the fact find can decide to:

- uphold the complaint and direct that certain action be taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint);
- direct for certain action to be taken, or
- dismiss the complaint entirely.

At the conclusion of the fact find, Chair or person(s) carrying out the fact find will provide a formal written response within 15 school days of the date of receipt of the complaint.

The response will include the grounds on which it was made, and any actions taken as a result of the complaint (some actions may be confidential). This will be within 15 school days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint. If it has not been possible to complete a thorough investigation within this timeframe, the person(s) carrying out the fact find will provide the complainant with an update and a revised completion date.

The written notification will also advise the complainant of their right to escalate the complaint to Stage 2b of the formal complaint's procedure (Annex Document 4).

STAGE 2B – MEETING OF THE GOVERNOR'S COMPLAINTS PANEL

If the complainant is dissatisfied with the outcome at Formal Stage 1 or 2a and wishes to take the matter further, they can escalate the complaint to Stage 2b - A meeting with members of the governing boards complaints committee, which will be formed of the first three, impartial, governors available.

This is the final stage of the complaint's procedure.

A complainant can request a Stage 2b review if:

- they are unhappy with the decision made to resolve the complaint;
- they believe that the investigation was flawed;
- they believe that the correct stage 1 procedure was not followed.

When a request for a Stage 2b review is made, it should normally be made in writing where possible to the Chair of Governors via the school office and marked Private and Confidential.

This request must be made no later than 14 days after the written notification of the decision taken at Stage 2a was received by the complainant. When making the request for a Stage 2b review, the complainant MUST provide details of the part of Stage 1 and 2a they are unhappy about and the outcome they are seeking as this would assist the final stage of the process.

The people on the panel will have no prior knowledge of the complaint or the investigation. The purpose of this panel is to consider the complaint afresh and the way the investigation was conducted, ultimately it will wish to gather facts and make recommendations which should reassure a complainant that we have taken their complaint seriously. The role of this panel is to reinvestigate the complaint.

We will acknowledge the written request for the complaint to be reviewed no later than 5 school days (not including the school holidays) after receiving it. The review meeting will then take place within 20 School days (excluding those which fall in the school holidays) of the written acknowledgement being sent to the complainant by the Clerk.

Once convened the panel will decide whether to deal with the complaint by inviting parties usually through written representations. A hearing will be considered if the panel believes it would be beneficial to the management of the appeal. If a hearing is decided upon, when arranging the date, the clerk will contact the complainant and ask for their available dates, and we respectfully request that complainants be as flexible as possible so that a mutually convenient time and date can be arranged. If the complainant rejects the offer of three proposed dates, without good reason, we 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;

- that complainants notify the school regarding any access problems due to disability etc.
- if any support is needed by the complainant for them to be able to present information;
- if they have any further information that they wish to submit (once the information packs for the hearing have been sent out, any further submissions of information will only be accepted at the discretion of panel Chair);
- whether they wish to be accompanied by a friend or relative to speak on their behalf or to help present their case. Legal representatives are not permitted.

A complainant has the right to request a totally independent panel if they believe there is likely to be bias in the proceedings. If this is the case, the complainant should write to the Chair of Governors explaining their reason for this belief.

Prior to the hearing, the panel will review the documentation provided by the Principal/Head Teacher/complainant and may request any additional information they deem necessary. The panel may also invite any persons who could provide relevant information relating to the complaint and/or its handling at the previous stage of the procedure (notably the person who investigated it). The panel will also ensure that any witnesses they require to be present are requested to attend.

Once the time and date for the review hearing has been set, we will notify the complainant in writing at least five working days in advance of the hearing. This letter will explain what will happen at the review meeting and who will be present. We will also send all the relevant documentation required for the review with this letter. We respectfully request that complainants confirm that they are intending to attend. The hearing will normally take place in school; however alternative premises could be used if the complainant feels that this would be less intimidating.

As well as the complainant, the Principal/Head Teacher and other relevant persons involved in the complaint are entitled to be accompanied by a family member/friend/representative, as appropriate, but legal representatives are not permitted.

The panel will appoint its own Chair. This will normally be the Chair of Governors or Vice Chair of Governors, provided that they have not been involved in any of the earlier stages of the complaint.

The panel will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

The meeting will be held in private. Electronic recordings of meetings or conversations are not 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 the minutes.

The conduct of the meeting will be at the discretion of the Chair however the following format is likely to be followed; timings will also be set for each item to ensure the meeting remains on track as agreed by the chair.

- the Chair will introduce the parties present and explain what will happen; • the complainant will put forward why they are dissatisfied with the Stage 2 investigation;
- the Principal/Head Teacher at Stage 2b will go through the process of the investigation that led to their conclusions or if appropriate the Principal/Head Teacher, if not the Investigating Officer, will explain their decision having read the Investigating Officer's report (this will depend on which part of the process the complainant is not happy about, the investigation, the decision or both);
- starting with the complainant, parties to the hearing can ask questions when invited to do so by the Chair;
- members of the panel will then ask any questions;
- other relevant persons included the complainant may then be asked to give their accounts and be questioned in the same format as above;
- prior to the conclusion of the hearing both the Investigating Officer and the complainant will be invited to make a final statement to the panel.

Once all the evidence has been heard, the Chair will conclude the hearing and all parties except for the panel members and the clerk will leave and the panel will then consider its decision.

The complainant, the Principal/Head Teacher and where relevant, the person complained about will be informed in writing of the outcome of the review meeting no later than ten working days (excluding those which fall in the school holidays) after the review meeting has taken place. This 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 we will take to resolve the complaint (Annex Document 5)

After considering the complaint afresh and reviewing the available evidence, the panel reviewing the complaint can decide to:

- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken;
- recommend, where appropriate, changes to the school's policies, systems, or procedures to the Governing Board to ensure similar problems do not happen again;

- dismiss the complaint entirely.

Note: If a hearing is deemed not necessary the panel will review all evidence as directed by the agreed Chair. It will also consider the resolution requested by the complainant. It will then make one of the same decisions as outlined above.

Irrespective of the decision taken, the panel may also recommend steps that the complainant and the school should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken that reduce the likelihood of a similar complaint being made in the future.

The panel may consider that the initial investigation at Formal Stage 1/2a is incomplete and that this throws doubt over the final decision. If this is the case, it can direct additional or re-investigation of the areas it feels are incomplete. In this case, the proceedings will be suspended to enable the complaint investigator to properly complete the Stage 2a investigation. Once complete, the panel will reconvene at the earliest opportunity to reopen the hearing, hear the new evidence / conclusion of the reinvestigation, and end the proceedings.

The hearing will be fully minuted by an independent clerk. When a complainant receives the written outcome, it will contain details of the investigation, the rationale for the decision made and details of action (Annex Document 5) taken or to be taken by the school, however a complainant may request a copy of the full minutes. It should be noted that minutes may name individuals and therefore are understandably of a sensitive nature and therefore confidential. We therefore reserve the right to provide minutes with all confidential parts redacted.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied in that they believe the school did not handle their complaint in accordance with this policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, please refer to next steps. The final stage of appeal is to the Secretary of State for Education. If you wish to follow this course of action, the address to write to is:

Department for Education
School Complaints Unit (SCU)
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Or in the case of an Academy The Education Skills Funding Agency after Stage 3 has been completed. The ESFA).

PART 5 – COMPLAINTS AGAINST GOVERNORS

If the complaint is regarding the Chair of Governors, the school complaints form should be completed.
This will be done by the Vice Chair of Governors. The Vice Chair will then carry out the Stage 2a investigation. If the complaint proceeds to stage 2b it will follow the procedure outlined above. Please also refer to Kirklees' separate protocols, which apply when a complaint is raised against the Chair of Governors in a maintained school. These set out the role of the Local Authority (LA), the responsibilities of the Governing Board, and key decisions regarding the appointment of an investigator.

If the complaint is regarding an individual Governor other than the Chair, the school complaints form should be completed. This will be done by the Chair of Governors. The Chair of Governors will then carry out the Stage 2a investigation. If the complaint proceeds to stage 2b it will follow the procedure described in Stage 2b. If the complaint is:

• jointly about the Chair and Vice Chair or

• the entire Governing Board or

• the majority of the Governing Board

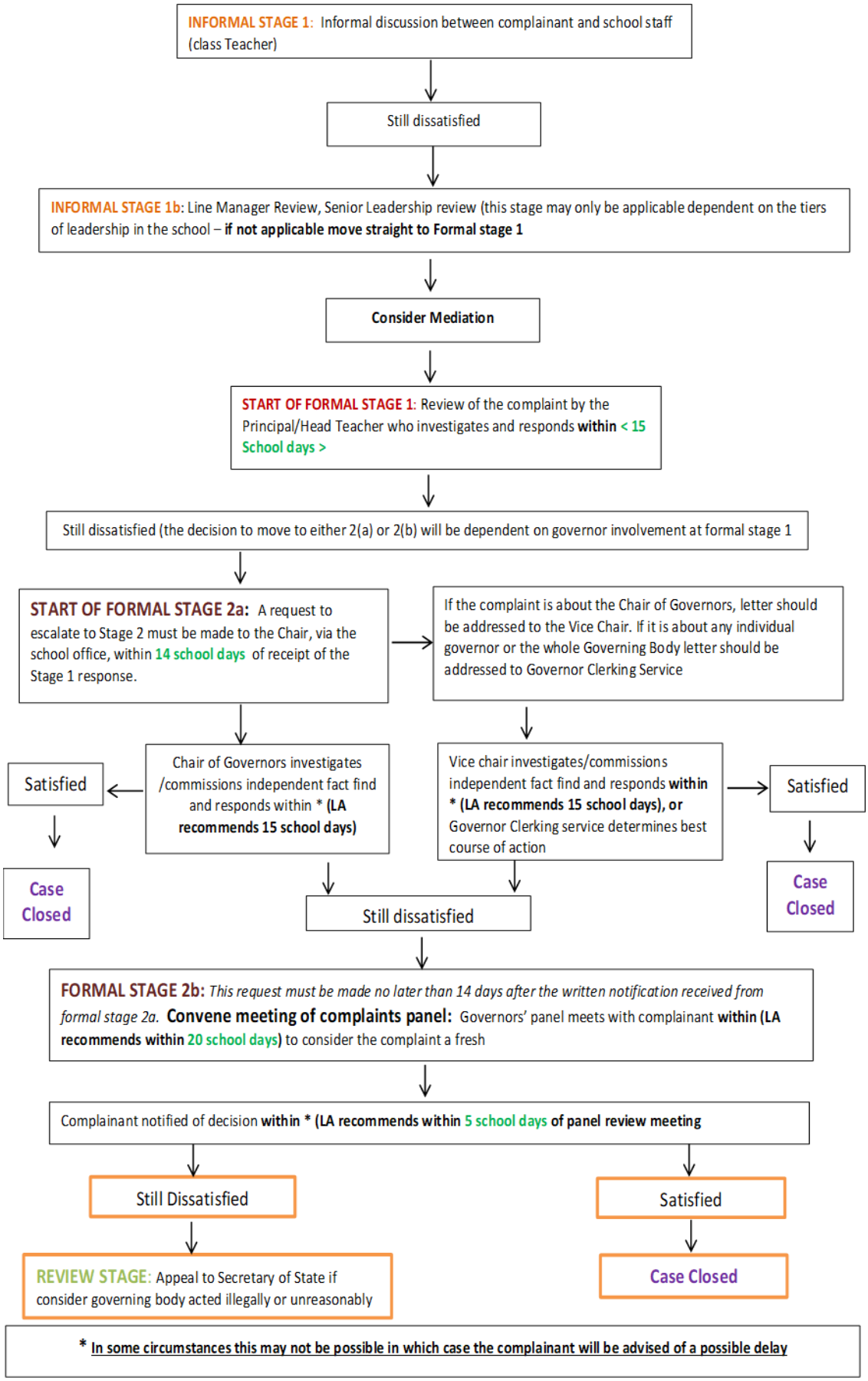
The school's complaints form should be completed and be sent c/o the clerk to the Governing Board at Kirklees Governor Clerking Service. The LA will commission an independent reviewer, on behalf of the governing board, to conduct a Stage 2 investigation. Any costs associated to this commissioning work will be the responsibility of the school. If the Governing Board refuse to take LA advice and insist on the independent investigation to be commissioned outside of the LA it will be the duty and responsibility of the Governing Board to instruct the school's DPO to deal with any GDPR data processing schedules, sharing agreements and contracts. In this instance the LA will only act as the administrator.

Please also refer to the additional guidance in this policy on LA managed Stage 1 complaints, which apply where the Governing Board is unable to investigate. You may also wish to consult the Data Handling and Third-Party Investigators guidance, which sets out GDPR expectations and related requirements.

At the conclusion of their investigation, the independent reviewer will provide a formal written response. Should the complaint proceed to Stage 2b it will be heard by a panel totally independent of the school. Where an independent panel is required, timescales may be affected while the LA sources appropriate individuals for the review.

The procedures outlined in this policy will not be used in circumstances where one governor makes a complaint about another governor/s. The procedures outlined within the Governors' Code of Conduct document will always be used to resolve such complaints.

MODEL DEALING WITH CONCERNS/ COMPLAINTS ABOUT SCHOOLS - FLOWCHART



PART 6 – COMPLAINTS INVOLVING CHAIRS OF GOVERNORS

The protocol below is to be followed when a complaint is raised against the Chair of Governors in a maintained school. It highlights the role of the Local Authority (LA), the responsibilities of the Governing Board, and key decisions regarding the appointment of an investigator.
Factors for consideration:

Should a Vice Chair investigate a complaint against the chair?

- In most cases No, here's why:
- Perception of basis or undue influence:
- Even if impartial, a vice chair might be perceived as too close to the chair
- Confidentiality risks: Governors usually work closely together and share information, this can complicate handling sensitive matters discreetly
- Risk of undermining trust: the complainant (and wider community) may not trust the process if it is seen to be "in-house" or protective.
- Governance Guidance favours independence: DfE and LA model policy recommends independent reviews in such cases

Should any other Governor on the board investigate the complaint against the chair?

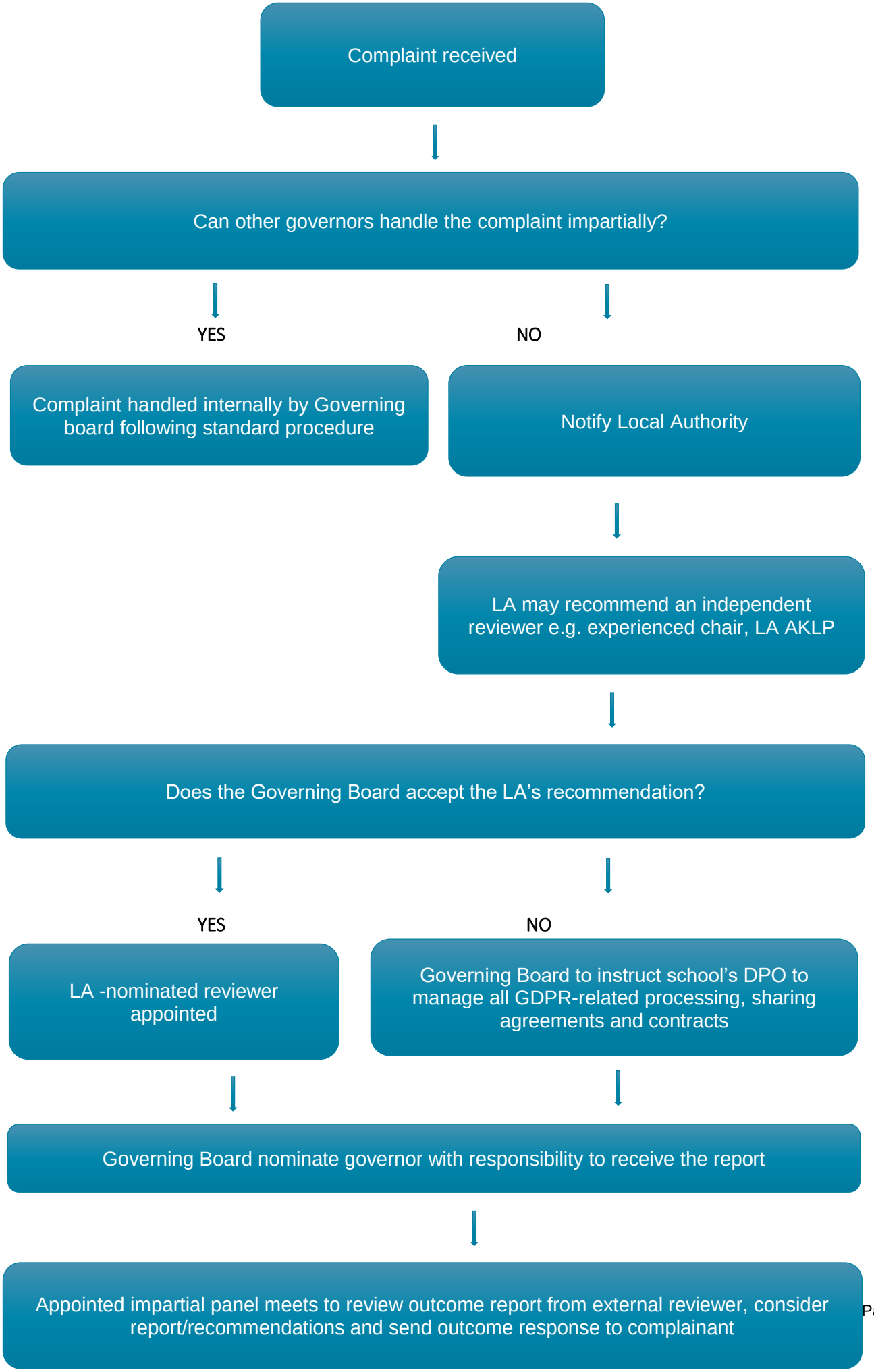
- Only if no prior knowledge/involvement and full impartiality can be assured.

When a complaint is made against the Chair, it is often best practice for the Governing Board to consider whether any member can act independently and impartially (see above) If not, then the Local Authority (GCS) should be informed.

The LA will commission an independent reviewer, on behalf of the Governing Board, to conduct the Stage 1 investigation. The cost of this commissioning work will be the responsibility of the school. At the conclusion of their investigation, the independent reviewer will provide a formal written response within the agreed timescale.

If the Governing Board refuses to take LA advice and insists on the independent investigation to be commissioned outside of the LA it will be the duty and responsibility of the Governing Board to instruct the school's DPO to deal with any GDPR data processing schedules, sharing agreements and contracts. In this instance the LA will only act as the administrator *(refer to the section on Data Handling and Third-Party Investigators)*.

Please refer to the flow chart below


Complaint received
Can other governors handle the complaint impartially?
YES
NO
Complaint handled internally by Governing board following standard procedure
Notify Local Authority
LA may recommend an independent reviewer e.g. experienced chair, LA AKLP
Does the Governing Board accept the LA's recommendation?
YES
NO
LA -nominated reviewer appointed
Governing Board to instruct school's DPO to manage all GDPR-related processing, sharing agreements and contracts
Governing Board nominate governor with responsibility to receive the report
Appointed impartial panel meets to review outcome report from external reviewer, consider report/recommendations and send outcome response to complainant

PART 7 – FOR LA MANAGAED STAGE 1 COMPLAINTS – WHERE THE GOVERNING BOARD CAN NOT INVESTIGATE

In instances where the Governing Board is unable to investigate a complaint due to conflict of interest, impartiality, all other disqualifying reasons, the local authority may be commissioned to conduct the investigation at Stage 1. Before any personal or sensitive data is shared, a data sharing agreement will be signed between the Governing Board and the Local Authority, setting out the scope, purpose and lawful basis for processing data related to the complaint.

1. Purpose

This part of the policy sets out the protocol for handling complaints at Stage 1 where the school's Governing Board (GB), or any of its members, is unable to conduct the investigation. It includes procedures when the GB does not accept the LA's recommendations and addresses how data will be managed throughout the process.

2. Scope

Applies to:

- Maintained schools within the Local Authority (LA)
- Stage 1 formal complaints where the GB is conflicted or compromised
- Investigations led by the LA on behalf of the GB

3. Definitions

- Stage 1 Complaint: The formal initial stage of a school complaint
- LA-Managed Complaint: Complaint investigated by the LA on behalf of the school
- Conflict of Interest: Where governors cannot reasonably act impartially

4. Criteria for LA-Managed Complaints

The LA will manage Stage 1 where:

- The complaint is about the entire GB or a majority of members (including Chair/Vice Chair)
- The GB is implicated or conflicted
- The GB formally declares it cannot investigate impartially and GB commissions LA

5. LA Investigation Protocol

5.1: Acknowledgement

- Complaint is referred to the LA by the school/GB within 5 school days
- LA acknowledges the complaint within 5 school days

5.2: Investigation

- Conducted by an impartial LA officer or external investigator
- Evidence is collected confidentially from all relevant parties

5.3: Report

- A full-written report with findings and recommendations is provided to the nominated governor
- Issued within 20 school days or an agreed extended timeline

6. Governing Board Response

6.1: Panel Convening

The GB must meet within 10 school days to consider the LA (investigator's) report. A panel of governors must be formed who:

- Are not named in the complaint

- Have no prior involvement or substantial knowledge
- Are not personally connected to parties involved

6.2: If No Eligible Governors Remain

If all governors are conflicted, the GB will formally declare itself unable to convene a fair panel. The LA will:

- Appoint an independent panel (from other GBs or LA pool)
- Arrange for this panel to consider the complaint and issue decisions

6.3: Formal Response

The GB (or independent panel) must:

- Provide a written decision to the complainant, the person who is the subject of the complaint and LA
- State whether it accepts the recommendations
- Outline any actions to be taken or rationale for rejecting the findings

7. Where a GB does not accept the LA's recommendations and commissions external providers to conduct the stage 1 investigation

7.1: In the event that the Governing Board appoints an external reviewer the LA will only act as administrator ***(refer to the section on Data Handling and Third-Party Investigators).*** Then:

- It is the Governing Board's duty to instruct the school's DPO to manage all GDPR-related processing, sharing agreements, and contracts.
- Nominate a Governor with responsibility to receive the report
- appoint an impartial panel who will consider the outcome report/findings and be responsible for sending the outcome letter to the complainant.

7.2: Investigation proceeds.

7.3: Once the review is completed, the appointed panel meets at a formally called panel meeting to receive the outcome report from the external reviewer, they consider the report /recommendations, and the complaint outcome is issued and communicated to the complainant within the agreed timeframe within the Governing Board's complaints policy.

PART 8 – DATA HANDLING AND THIRD-PARTY INVESTIGATORS

Where the Local Authority (LA) is commissioned to manage a Stage 1 complaint on behalf of a Governing Board due to impartiality concerns or other disqualifying reasons, a Data Sharing Agreement (DSA) must be signed between the Governing Board and the LA prior to the transfer of any personal or sensitive data. This agreement will outline the lawful basis for processing, the purpose of data sharing, and the responsibilities of each party under UK GDPR and the Data Protection Act 2018.

In this situation the Governing Board remains a data controller for the following reasons:

- The complaint is made about the school, or its leadership/governance and the board is responsible for ensuring the complaint is properly handled under his own complaints policy.
- Even if the board is unable to investigate due to impartiality issues and commissions the LA, it retains ownership of the data and the process.
- The Governing Board determines the purpose and scope of the investigation (i.e., it "controls" the data processing under GDPR)

What is the LA's Role:

Scenario	LA's Role	Reason
LA conducts investigation on behalf of GB, under GB's direction	Data Controller	In order to carry out a truly independent investigation, the LA have to exercise judgement and discretion in carrying out the investigation and must follow any applicable laws.
LA exercises some decision-making power over how investigation is carried out (e.g. selects investigator, manages process)	Data Controller	The LA is determining the purpose and means of the processing of personal data.
LA facilitates admin only (e.g. forwards documents to an external person selected by GB)	None	May be a neutral conduit; responsibility remains with GB.

In such cases (ie: independent complaint investigations), the LA will typically engage /commission an internal professional (experienced chair, AKLP) to conduct the investigation. These individuals act under the direction of the Local Authority and fall within its existing data protection and governance frameworks. In this situation the LA is likely to act as a data controller.

If a Governing Board chooses not to accept the LA's recommendation and instead appoints an external third-party investigator, the Governing Board remains solely responsible for ensuring that any such appointment includes appropriate data protection controls and a lawful basis for processing. This includes putting in place documentation in accordance with Article 28 of UK GDPR.

The Local Authority will not be held liable for data breaches, unlawful processing, or any outcomes arising from Governing Board-appointed third-party reviewers where the LA's recommendation was declined.

Kirklees Data Sharing Agreement (DSA) – **See Annex 10**

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 after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Scapegoat Hill Junior and Infant School . They will consider whether Scapegoat Hill Junior and Infant School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Or in the case of academies: The Education Skills Funding Agency

Cheylesmore House,
5 Quinton Rd,
Coventry
CV1 2WT

ANNEXE OF DOCUMENTS RELATING TO THE PROCEDURE

ANNEX DOCUMENT 1

This policy covers all complaints about any provision of community facilities or services by our school, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <insert local authority details>
• 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>.
• Exclusion of children from school*	Further information about raising concerns about exclusion 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. <link to school behaviour policy>.*

• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants 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.
• 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.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

ANNEX DOCUMENT 2

COMPLAINT FORM

Please complete and return to <Name> (*either headteacher / Clerk / complaints co-ordinator / designated governor – school to delete as appropriate*) 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:
Who is the complaint about?

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 whom:
Complaint referred to:
Date:

ANNEXE DOCUMENT 3

Name of School < insert Name>

Formal Complaint Log

All written documents should be retained with this log

Name of Complainant.....

Address.....

.....

Post Code.....

Telephone Number.....

Email address.....

Name of child (ren) in school.....

Relationship to school i.e., parent, member of the public.....

Date complaint received.....

Date acknowledged (within 5 working days of receipt) .....

Details of the complaint:

Details of any attempts at resolution (Stage 1):

1. by whom.....

2. by whom.....

3. by whom.....

Details of what action has been taken by the school during this stage:

STAGE 1

Investigating Officer.....

Date allocated the investigation.....

Date investigation completed (within **15 working days** to acknowledge)

Date complainant notified of outcome.....

If above date exceeds **15 working days** brief details of the delay:

Brief details of the investigation:

Details of decision taken by the Principal/Headteacher following the investigation: Details of final outcome:

Has the complainant accepted that the complaint is now resolved? YES / NO Date accepted as resolved.....

Has the complainant requested a Formal Stage 2 **YES / NO**

Date of request for Stage 2 (this should be received in school within **14 days** of the written notification being sent regarding the outcome of the Stage 1 investigation)
.....

Date of acknowledgement of Stage 2 request (within **5 working days**) of the request being received in school)
.....

Has the chair agreed to use stage 2a (fact find) **YES / NO**

Date fact find completed .....

Has the complainant accepted that the complaint is now resolved? YES / NO Date accepted as resolved.....

Has the complainant requested a Formal Stage 2b (panel hearing) YES **/ NO**

Date of Stage 2b hearing (within **20 working days** of the date of acknowledgement)
.....

Date complainant notified of Stage 2b hearing (more than **5 working days** prior to the hearing)
..... .

Details of Governors on the panel:

1. .....

2. .....

3.....

Name of Chair or Panel .....

Details of panel findings:

……

……

……

……

Date panel finding notified in writing (within **10 working days** of the date the hearing was concluded).....

Complainant satisfied **YES / NO**

ANNEXE DOCUMENT 4

ADVICE REGARDING THE CONTENT OF THE LETTER TO THE COMPLAINANT FOLLOWING CONCLUSION OF STAGE 2 INVESTIGATION

Unless there has been a delay in the Stage 1 investigation which the complainant has already been notified about, the letter informing the complainant of the conclusion of the investigation should be sent within twenty-five working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint.

The letter will normally be sent by the Principal/Headteacher and will normally contain the following:

- a summary of the complaint;
- if there have been any attempts at informal resolution, a brief summary of the action the school have taken at this stage;
- a summary of the investigation;
- a response to the complaint as a result of the investigation including any decisions taken and the grounds for the decision;
- details of any remedial actions proposed to prevent a repeat etc.
- a request that the complaint confirms whether they are satisfied or not with the investigation, the decision and remedial action;
- information regarding what the complainant should do if they are not satisfied.

When informing the complainant regarding Stage 2, the following information should be included:

1. Stage 2 of the procedure in most cases will include by dealt with in two stages - a fact finding exercise (2a) and a Governors' appeal panel (2b).

2. the fact find may be carried out by the chair, or governor(s) or commission independent person. The panel will comprise three impartial school Governors

3. the panel's role is not to reinvestigate the complaint but to review the investigation and the decision(s) arising from the investigation;

4. if the complainant does wish to take the matter to stage 2, they should make the request in writing addressed to the Chair of Governors and marked Private and Confidential via the school office no later than 14 days after they received the Stage 1 conclusion letter. They should be asked to include in their request information as to why they are still dissatisfied and an indication of the resolution they are seeking;

5. they should be advised to read this procedure before making the Stage 2 request and a copy of the procedure enclosed

ANNEXE DOCUMENT 5

Advice Regarding the Content of the Letter to the Complainant Following Conclusion of Stage 2 Governors' Appeal Panel

This letter will normally be sent to the complainant by the Chair of the Governors' Appeal Panel no later than fifteen working days (excluding those which fall in the school holidays) after the review meeting has taken place. Either copies or similar letters should be sent to the principal (Chair of Governors, Investigating Officer) and where relevant, the person complained about.

The letter should contain the following:

- A summary of the initial complaint;
- If there have been any attempts at informal resolution, a brief summary of the action the school have taken at this stage;
- a summary of the legal or administrative background;
- details of the Stage 2 investigation setting out the key facts about the complaint, the findings, and decisions / conclusions;
- a summary of why the complainant was dissatisfied with the outcome at Stage 2;
- Conclusions arrived at by the panel;
- details of the panels' decision and details of any recommendations made;
- information on the complainants further right of appeal to the secretary of state

ANNEXE DOCUMENT 6

PROCEDURE FOR DEALING WITH UNREASONABLE COMPLAINTS

Scapegoat Hill Junior and Infant School we fully understand that complaints will arise and in our drive for continued improvement, we are open to listening to and dealing with the issues raised. We are therefore committed to dealing with all complaints fairly and impartially. We do however expect all complainants to maintain reasonable and acceptable levels of behaviour at all times as we do not expect our staff, or the person investigating a complaint to tolerate any kind of unacceptable behaviour and will take action to protect our staff if necessary. This may include refusing to investigate or to curtail the investigation of a complaint. We also reserve the right to not investigate or to curtail the investigation of a complaint if either the complainant or the complaint is deemed unreasonable during the Stage 2 investigation.

A complainant may be regarded to be unreasonable in the following examples (the list is not exhaustive):

- they demonstrate any kind of threatening, abusive or insulting words or behaviour;
- the frequency or nature of their contact with the school / Complaint Investigator hinders the consideration of their complaint;
- they refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- they refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- they refuse to accept that certain issues are not within the scope of a complaints procedure;
- they insist on the complaint being dealt with in ways which are incompatible with this policy or with good practice;
- they introduce trivial or irrelevant information which they expect 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;
- they make unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- they change the basis of the complaint as the investigation proceeds; • they repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- they refuse to accept the findings of the investigation into their complaint where the school's complaints policy has been fully and properly implemented and completed including referral to the Department for Education; • they seek an unrealistic outcome;
- they make excessive demands on school time and resources by frequent, lengthy, complicated, and stressful contact with staff or the Complaint Investigator regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with.
- The Stage 2 investigation concludes the complaint is malicious and a distraction from the complainant's own behaviour and attitude towards school.

A complaint may be considered unreasonable if it is regarded as being:

- malicious;
- vexatious;

- aggressive;
- threatening, intimidating or threatens violence;
- abusive, offensive or contains discriminatory language;

Or the complainant makes the complaint:

- knowing it to be false;
- using falsified information.

Or the complainant breaches confidentiality by

- publishing information about the complaint via social media, websites, or the press etc.

Complainants should limit the number 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. The person investigating the complaint reserves the right to not accept any further correspondence submitted following a complaint being made.

Prior to either a complainant or complaint being deemed unreasonable and not investigated or an investigation curtailed, a panel, made up of two Governors and a third person independent of the school, will be convened and the person investigating the complaint will explain the reason why the complaint should not be investigated / be curtailed at Stage 2. The panel may either agree or insist that the matter be investigated.

Should the decision be taken not to investigate or to curtail an investigation the person investigating the complaint will inform the complainant in writing within five working days of the decision being made. If the decision is taken to investigate the complaint, they may write to the complainant explaining what aspect of their behaviour is believed to be unreasonable and ask them to change it.

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 the school and its grounds.

ANNEXE DOCUMENT 7 ACADEMIES ONLY

THE ROLE OF THE EDUCATION SKILLS FUNDING AGENCY IN INVESTIGATING COMPLAINTS AGAINST ACADEMIES

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Education Skills Funding Agency (ESFA). Complainants are advised to refer to the EFA document Procedure for dealing with complaints about academies which is freely available online.

What the ESFA will investigate

The EFA will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure;
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State;
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section.

What the ESFA will not investigate

THE ESFA WILL NOT INVESTIGATE COMPLAINTS THAT ARE:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted;
- about discrimination. These should be raised with the Equality Advisory Support Service;
- about data protection. These should be raised with the Information Commissioner's Office;
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body;
- about criminal behaviour. These should be raised with the police;
- about any matter which is, or has been, subject to legal action;
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal;
- about child protection. These should be taken up with the relevant Local Authority Designated Officer (LADO) and/or the Director of Children's Services;
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).

The ESFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The ESFA also reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance);
- use obscenities, racist or homophobic language;
- contain personally offensive remarks about members of our staff;
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

OUTCOMES FROM ESFA INVESTIGATIONS

The ESFA cannot change any decision an academy has made about your complaint. Their role is to look at whether the academy considered the complaint properly, by following a procedure that is in line with legal requirements.

If they uphold a complaint, then we may do one or both of the following:

- ask the academy to reconsider the complaint from an appropriate stage;
- ask the academy to change its complaints procedure so that it complies with legal requirements.

Complaining to the ESFA about an academy

Where possible, a complaint to the ESFA should be in writing. If a complainant has difficulty in providing details in writing, they will discuss with the complainants, alternative ways of receiving the information.

Written complaints should be sent:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

ANNEX DOCUMENT 8

ROLES AND RESPONSIBILITIES

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.

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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher 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.

COMPLAINTS CO-ORDINATOR

(this could be the headteacher / designated complaints governor or other 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, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint's 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.

CLERK TO THE GOVERNING 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 Regulations (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
- record the proceedings

COMMITTEE CHAIR

The committee's 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.
- minutes of the meeting are circulated
- all parties are notified of the committee's decision.

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 meeting.

- both the complainant and the school 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 (and complaints co-ordinator if the school has one).

COMMITTEE MEMBER

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. 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 interests.

- the welfare of the child/young person is paramount.

ANNEX DOCUMENT 9

FURTHER READING TO SUPPORT PARENTS

A list of relevant legislation and guidance:

- the Human Rights Act 1998
- the Equality Act 2010
- the Freedom of Information Act 2000
- the Data Protection Act (DPA) 2018
- the General Data Protection Regulations (GDPR)
- the Education Act 2002

PUBLICATIONS TO ASSIST COMPLAINANTS

There are a few publications that may help complainants with raising their concern or complaint with the school. Below are two that may be particularly helpful:

- the DfE have published an online article titled Best Practice Guidance for School Complaints Procedures 2020
- the Education Funding Agency (EFA) have published a document entitled Procedure for Dealing with Complaints about Academies

These two documents are freely available online, however should a complainant have difficulty finding or obtaining them, the school will provide them.

ANNEX DOCUMENT 10

Data Sharing Agreement (DSA)

For Stage 1 Complaint Investigation – Governing Board & Local Authority

Under UK GDPR, the Governing Board remains the Data Controller in all complaints involving the school, including those where the Local Authority (LA) is commissioned to manage the Stage 1 investigation. This will be clarified in an appropriate Information Sharing Agreement (ISA).

In most cases, where the LA uses its own internal personnel (such as experienced Chairs or Associate KLPs) to carry out the investigation, and sets investigation parameters jointly with the Governing Board, the LA acts as an independent Controller.

If the Governing Board declines the LA's support and appoints an external third-party investigator instead, the Governing Board assumes full responsibility for ensuring that all necessary data protection controls, agreements, and legal bases for processing are in place. The LA accepts no liability for any data breaches or GDPR non-compliance resulting from such external appointments.

Please use our model data sharing policy below.

DATA SHARING AGREEMENT

1. Parties to this agreement

Organisation's Name	Scapegoat Hill Junior and Infant School Governing Board (hereafter referred to as "the Governing Board"),
Address	
Responsible Manager	
Contact Details	
Source / Recipient or both?	
Authorised Signatory/Date (Caldicott Guardian, SIRO, Chief Executive, Director etc)	

Organisation's Name	Kirklees Council (hereafter referred to as "the Local Authority" or "the LA").
Address	
Responsible Manager	
Contact Details	
Source / Recipient or both?	
Authorised Signatory/Date (Caldicott Guardian, SIRO, Chief Executive, Director etc)	

Date of Agreement	

2. Specific purpose(s) for which the data sharing is required (all intended purposes should be described; it may be appropriate to describe each one on a separate pro forma)

**The purpose of this agreement is to set out the terms under which the Governing Board shares personal and sensitive data with the Local Authority in order for the LA to:*

Conduct a Stage 1 formal investigation into a complaint made about or to the Governing Board, in circumstances where the Governing Board is unable to investigate due to conflict of interest, perceived or actual lack of impartiality, or other valid reasons.

3. Type and status of data shared

Is the data 'person identifiable'? (yes/no)	Yes
Has a Data Protection Impact Assessment (DPIA) been completed? (yes/no)	
If the answer to the above question is YES, please give the DPIA reference number.	
Has the individual been provided with a privacy notice? (yes/no)	
Is the individual aware that sharing will take place? (yes/no)	

4. Data Items shared

This list must be comprehensive and include ALL data items that are to be shared. All data items to be shared must be justifiable as necessary for the purpose. You should tailor this section to suit your organisation's specific needs.

Individuals' Data	Please list all that apply or say 'none'
Name, address, contact details, date of birth, gender, GP, bank details	**Personal Data* *Eg: Names, Roles, contact details of complainants, staff, governors*
Identifying numbers (NHS no. Carefirst no. etc.)	
Next of Kin, Emergency Contact, Carer Details	
Special category data: Religious beliefs; race or ethnic origin; political opinions; trade union details; genetic data; biometric data (where used for ID purposes); health information; sexual orientation.	**Special Category* *Eg: Health data, racial/ethnic origin, political opinions (if relevant)*
Other (Please describe in full)	**Complaint Documentation* *Eg : complaint form, correspondence, notes of meetings.* *Policy Documents* *Eg : school complaints policy, relevant HR or safeguarding policies* *Investigation History* *Eg : previous complaint stages, responses , meeting minutes*
Risk Factors	

The Data Controller is to identify any risks associated with sharing this information and raise them when sharing.	

5a. Legal basis for sharing personal data

If processing personal data, what is the lawful basis for processing under Article 6 of the GDPR? (For further information go to the ICO page)	*Article 6(1)(e) of UK GDPR – public task
List all the relevant piece(s) of legislation that allows you to process and share the personal data:	

5b. Legal basis for sharing special categories of personal data

If processing special category data, what is the lawful basis for processing under Article 9 of the GDPR? (For further information go to the ICO page on special category data)	**Where relevant, Article 9(2)(g) of UK GDPR*
List all the relevant piece(s) of legislation that allows you to process and share the special category data:	
If processing criminal conviction data, have the conditions for processing criminal conviction data (Article 10) been identified and recorded by the Data Controller?	

6. Protective Marking

Please state the Kirklees Council protective marking label used for personal information being shared.*	
Otherwise, please state the system relevant to your organisation	

*Kirklees Council uses the following protective marking labels:
Official – all official Council documents
Official-Sensitive – for documents containing personal information
Official-Confidential – for documents which must not leave the Council network
It is envisaged that for most sharing purposes, documents would be marked Official-Protect.

7. Data Transfer Method

All parties to this agreement are responsible for ensuring that appropriate security and confidentiality procedures are in place to protect the transfer, storage and use of the shared, person identifiable data.

Regular flow (specify frequency)	
Ad hoc	

Give full details of how the transfer will be made and what security measures will be in place e.g. encryption, business secure mail or recorded signed for etc.

Face to face	
Telephone	
AnyComms	
Secure E Mail	
Secure Mail	
Secure Courier	
Encrypted Removable Media	
Other (please state method)	**For example:* • *Data will be shared securely via [e.g. encrypted email, secure shared folder]* • *Access will be restricted to only those LA officers assigned to the investigation* • *The Governing Board will provide a Single Point of Contact (SPOC)* *The LA will acknowledge receipt and confirm secure storage procedures*

Has a risk assessment been carried out on the chosen methods of transfer?	Yes/No

What are the identified risks?	

8. Audit and Review

Organisation's Name	
Address	
Responsible Manager	
Contact number	
Review Date	

INCIDENTS

Any incidents occurring as a result of this agreement should be reported to the signatories of all affected organisations. They will then pass on the information in accordance with incident reporting procedures within their own organisation if appropriate. Organisations will agree to share information in order to help investigate any such incidents.

9. Access to Information

Subject Access Requests Will Be Directed To	data.protection@kirklees.gov.uk
Special Arrangements For Subject Access Requests	None

10. Retention and Disposal

Retention Period For Data	**The LA will retain the data only for as long as necessary to complete the investigation.* *Upon completion:* • *The LA will return or securely destroy all shared data* • *The LA will confirm (the above) in writing to the Governing Board*
Disposal Method For Data	

*Please note the text in green provides example entries only and must be adapted and expanded as appropriate on a case-by-case basis.

For further information about the framework, please see the Inter Agency Sharing Protocol, available via Kirklees Council's IG Team information.governance@kirklees.gov.uk

Policy Implemented	August 2022	Headteacher/Governors
Updated	August 2024	Headteacher/Governors
Updated	August 2025	Headteacher/Governors
Updated	August 2025	Headteacher/Governors
Updated	August 2026	Headteacher/Governors