



Even Swindon Primary School

Managing complaints

A guide for maintained school governing bodies

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Introduction

This guide should be used alongside the complaints procedure for your school. It is intended to support staff, governors and governance professionals involved in managing complaints, including:

- **Informal complaints** – raised verbally with school staff and resolution sought through dialogue.
- **Formal complaints** – submitted in writing and investigated (usually by the headteacher unless the complaint is about the headteacher).
- **Complaints panel** – convened if the formal stage does not achieve resolution, whereby a panel of governors decides whether or not the complaint is upheld.

Complaints about the entire governing board

Such complaints are rare and handling these will depend on the nature of the complaint.

This may involve sourcing an independent investigator to complete the formal stage and governors from another school for any subsequent panel hearing. Independent complaint panels are covered in [DfE best practice guidance](#).

Informal complaints

The complaints procedure should encourage resolution of concerns and complaints on an informal basis without recourse to the formal stages of the procedure. It should also include a point of contact for raising informal concerns/complaints (typically the member of staff directly involved) and state the school's commitment to addressing issues raised in a timely way.

There is no requirement for informal concerns and complaints to be made in writing. However, those responding at the informal stage should keep a written record of the issues raised and the action taken. The procedure should state whether or not it is a requirement to provide the complainant with a written summary.

Informal concerns and complaints can present a good opportunity for members of staff to learn and engage positively with stakeholders. Members of the governing board should avoid becoming involved in the first instance as this may prevent them from considering the complaint at a later stage.

If the complainant wishes to raise a formal complaint, you should not attempt to prevent this by insisting on informal resolution first.

Stage one: formal complaints

Inevitably there are instances where individuals wish to make a formal complaint.

A list of complaints for which there are separate statutory procedures should be included in your policy but can also be found in [DfE guidance](#).

The procedure should explain how to submit a formal complaint and who is responsible for investigating and providing a response. Ideally, the procedure should also encourage those submitting formal complaints to clearly set out the issues and the outcome they are seeking.

Receipt of formal complaints should be acknowledged in writing within the timescale set out in the procedure. The written acknowledgement should describe in broad terms how the complaint will be investigated both thoroughly and impartially as well as when the complainant should expect to receive a full response according to the timescale set out in the complaints procedure.

The written acknowledgement also provides an opportunity to request any further information required to support investigation and resolution of the complaint. For example, requesting a meeting with the complainant and/or distinguishing between separate requests (such as a subject access request) and processes (such as pupil exclusions) that are linked to the complaint.

Investigating complaints

The investigation of a formal complaint can be carried out either by the individual responding on behalf of the school or delegated to someone else who has relevant experience but no prior knowledge of the complaint. For example, the headteacher may ask a member of the school's senior leadership team to investigate a complaint on their behalf. Schools often commission the services of an independent investigator because they deem this to be a more robust and impartial way of managing the process.

Those conducting investigations should:

- **Establish clear terms of reference** (the scope for what is and is not being investigated) and timescale for completion to avoid scope creep and delays.
- Determine **who they need to meet with** as witnesses to establish the facts and ensure the investigation is fair and balanced.
- **Maintain a written record** of any meetings with witnesses and other relevant parties, along with other evidence/findings, which can be referred to if required at a complaints panel hearing.
- **Allow witnesses to be accompanied** to any meetings that take place during the investigation if they wish and make reasonable adjustments where required.
- Be clear that any **witness statements could be disclosed** to other relevant parties who should be permitted to challenge this as part of the investigation.

Following the above will allow the investigator to present their findings, reach a conclusion and recommend to the decision-maker whether the complaint is upheld, upheld in part or dismissed.

The recommendation should be based on the established facts or, where facts are not clear or disputed, the balance of probability (the most likely scenario based on the evidence available). Irrespective of their recommendation, it is reasonable for those investigating complaints to highlight issues that could have been handled differently or better and what can be learned.

It is good practice for the investigating officer to provide a written summary of their findings, conclusions and recommendations rather than rely on giving verbal feedback. However, it may not be deemed necessary for them to provide a formal report – this should be determined in advance. Where a formal report is provided, the complainant should be made aware of this and whether or not they will receive a copy.

In all cases, the complainant should be notified of the decision and given a full explanation in writing within the required timescale. Written notification should also advise the complainant on how they can progress the complaint to stage two should they wish to.

Stage two: complaints panel hearings

Most procedures require the governance professional (clerk to the board) to acknowledge a written request for a complaint to be heard by a complaints panel and confirm that the panel will be convened within the timescale set out in the complaints procedure.

Depending on the circumstances, it may be helpful for the written acknowledgement to also request further information from the complainant to clarify why they are dissatisfied with the response offered at stage one and the outcome they are seeking.

The governance professional is also responsible for convening the complaints panel.

Convening a complaints panel

- Complaints panels typically consist of three governors with no prior connection to the complaint.
- If your board convenes complaints panels **on an ad-hoc basis**, it is possible to appoint a governor from another school (provided they are suitably skilled). Where a **standing complaints committee** is in place, a formal collaborative arrangement with another maintained school is needed to call upon governors from another school.
- Complainants can request a fully independent panel if they believe there is likely to be bias in the proceedings. However, the DfE generally considers governors with no prior exposure to the complaint to be suitably impartial.
- Consider who might chair the meeting – the chair of the panel helps to ensure that the meeting is conducted in the correct procedural manner; they may also be required to mediate between parties.

Attendance at the panel hearing

- The complainant may be accompanied by a companion at the panel hearing. However, DfE guidance recommends that neither the complainant nor the school brings legal representation. The panel hearing is a mechanism for conflict resolution and reconciliation; any attempts to frame it in a legalistic way should be resisted.
- The complainant must be given reasonable opportunities to attend but they are not required to attend and can request for the complaint to be heard in their absence.
- If reasonable attempts have been made to accommodate complainants and they refuse or are unable to attend, a meeting can be held and a decision reached in their absence.
- If a meeting is convened in the absence of the complainant, the panel should proceed on the basis of written submissions from both parties to ensure fairness.
- Parties who are the subject of the complaint can also attend but are not required to (this is a matter for them to decide). Where they do not attend, the panel should consider how they could contribute effectively, for example by using a written statement, ensuring they still respond to any questions the complainant wishes to ask them.
- The panel may also invite any persons who could provide relevant information relating to the complaint and/or its handling at the previous stage of the procedure (notably the person who investigated it).
- Where the complaint relates to a pupil at the school and their attendance is requested by the panel, parental permission must be sought if they are under the age of 18. You should also consider how the pupil could be supported to attend, for example by being accompanied by an unconnected staff member.

Arranging the hearing

- The governance professional should offer dates/times for the hearing within the timeframe outlined in the procedure that are convenient to the complainant, making any reasonable adjustments necessary. Remote access is a possibility, but this must not compromise fairness and transparency.
- Any further written material should be submitted within an agreed timeframe and circulated in advance along with all other evidence. At this point it should be made clear that the panel will not review any new complaints or consider evidence unrelated to the complaint under consideration.
- An evidence pack, suitable agenda and list of attendees should be circulated to all parties in advance of the meeting in accordance with timescales outlined in the procedure (at least five school days in advance is reasonable). The evidence in the pack will vary but should include all relevant records such as the original complaint, witness statements, decisions made with rationales at previous stages, correspondence between the complainant and the school.
- In terms of data protection, staff personal data created as part of their role does not need to be redacted. However, the personal data of pupils and parents should be redacted where appropriate and replaced with a consistent reference.

Procedure for the hearing

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

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

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

While the procedure is structured to ensure fairness, the approach taken should be informal and non-adversarial. Sufficient time should be given for all parties to speak. However, it is reasonable for the chair to intervene and move the meeting on if they feel this is necessary and in the interests of all concerned.

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

Having reached a decision, the panel should consider carefully and seek the advice of the governance professional on the wording of the letter to the complainant and relevant parties, notifying them of the decision and the basis upon which it was reached. If the complaint is upheld in whole or in part, then the letter should set appropriate action/s recommended by the panel to resolve the complaint and or prevent similar issues in the future – for example, changes to relevant policies or practices. Note that recognising issues and apologising is not an admission of liability in a legal sense and panels are not required to engage with legal arguments.

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

[Download an example decision letter](#)

Minutes of the hearing

It is recommended that the minutes of the panel hearing approved by the chair of the panel are provided to the complainant.

The minutes produced by the clerk do not have to be verbatim. However, they should provide a record of the information and evidence considered by the panel, what was asked and discussed, and how decisions were reached, including at the deliberation stage.

Using recording devices

Recording devices may be required as a reasonable adjustment where there are communication difficulties, in order for the complainant to access and review the discussions at a later point (provided that the recording remains confidential).

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