

The SWAN Trust Complaints Procedure



Autumn Term 2019

Approved by Autumn 2019
Review Date Autumn 2020

Introduction

The SWAN Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised our academies intend for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, The SWAN Trust Board has approved the following procedure which explains what you should do if you have any concerns regarding any of our academies. All members of staff will be familiar with the procedure and will be able to assist you.

Raising concerns

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of an academy or your child's education or wellbeing, raise this with your child's class teacher via telephone, email or in person. They may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulations 2018 and Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Recording of meetings can only be carried out at the express permission of all parties present. The SWAN Trust do not consider that covert recording of meetings without the permission of staff is acceptable and would only considering accept such recordings in exceptional circumstances as evidence within an investigation. The investigator of the investigation would decide exceptional circumstances.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the individual academy or SWAN Trust website. Copies are also available from the academy or SWAN Trust central office.

- Child protection/safeguarding; Surrey Safeguarding Children Board procedures apply (<http://www.surreyscb.org.uk/>). For further information contact the Surrey County Council (SCC) Contact Centre on 0300 200 1004. If at any time a child protection concern becomes apparent, the Safeguarding Policy takes precedence over the complaints process, which will be halted until the child protection matter is resolved
- Pupil admissions; please see the SWAN Trust Admissions Policy
- Pupil exclusions; please see the academy's Behaviour Policy or Department for Education (DfE) guidance on exclusions (www.gov.uk).
- Statutory assessments of Special Educational Needs and Disability (SEND); refer to the Surrey Local Offer website or contact the Local Authority where you live.
- Staff grievance, capability or disciplinary; these are covered by the academy's OR SWAN Trust's Grievance Policy, Disciplinary and Capability Procedure Policy and the Whistleblowing Policy.
- Where the complaint concerns a third party used by the school, or a third party which uses the school premises; please contact the third party directly.
- Subject Access Requests and Freedom of Information Requests; please see The SWAN Trust's Data Protection and Freedom of Information Policy.
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010; the Complaints procedure applies but the complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination or to the County Court for all other unresolved disputes regarding protected characteristics
- There are occasions when a complainant behaves in an unreasonable manner when raising or pursuing concerns. Consequently, the actions of the complainant begin to impact negatively on the day-to-day running of academies and, directly or indirectly, the overall wellbeing of the children and/or staff in the academy. In these exceptional circumstances the academy may act in accordance with the Vexatious, Malicious Harassment Policy.

Anonymous complaints

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

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding and Child Protection Policy which is available on the academy's website.

If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, the SWAN Trust requests the complainants do not discuss complaints publicly or via social media, such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also. Should a complainant choose to discuss their concern on a social networking site, this may impede the process and our ability to find a mutually positive resolution.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

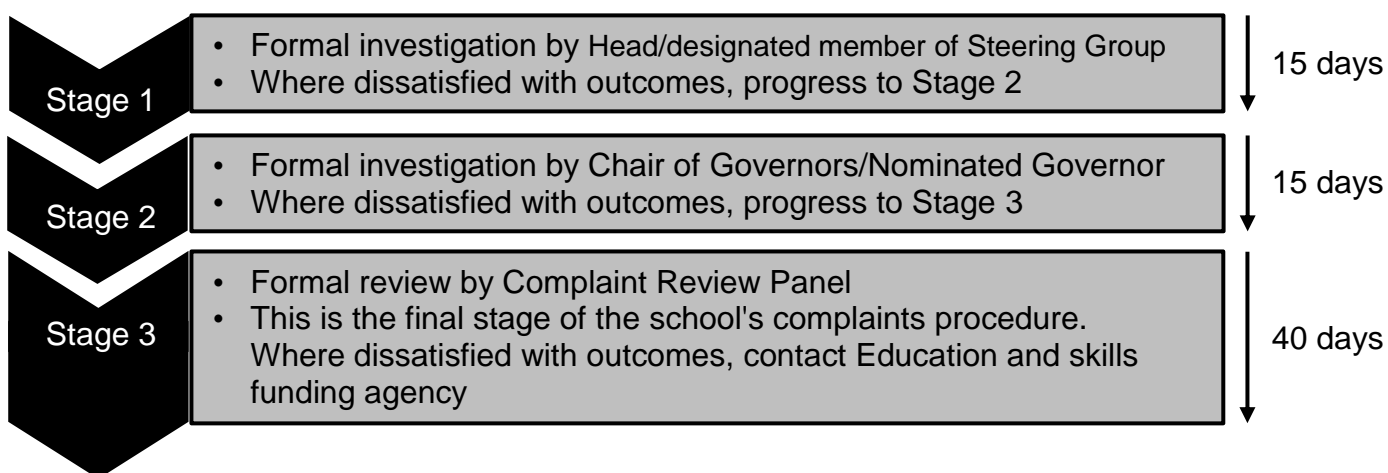
Where a complaint appears likely to lead to potential disciplinary action, the CEO should be informed.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a resolution. You will receive a response within 10 school working days. If you are not satisfied with this response and believe the issue has not been resolved, please use the formal complaints procedure as detailed below.

Timeline for formal complaints

All timescales in this document refer to school working days i.e. excluding weekends, school holidays, Inset days etc.



Timeframes

Academies will endeavour to abide by timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the academy's control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Academies reserve the right **not** to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. In such circumstances the Headteacher and/or

the Chair of Governors will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Who should I approach at the informal stage of a complaint?

Educational matters: Class teacher

Pastoral care: Class teacher

Disciplinary matters: Headteacher

Financial/Administration matters: School Business Manager

Complaint about a staff member's conduct: direct approach to the staff member themselves, or where this is thought inappropriate/does not resolve the situation, their line manager should be approached

Complaints about the Headteacher or the Governors

Where a complaint concerns the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, or if they have good reason to feel it is inappropriate to approach the Headteacher in the first instance, they should notify the Clerk to the Governing Body (see contact details at the end of the document). Stage 2 of the complaints procedure (in line with the process outlined on page 6) will then commence, but with the Chair of Governors or another nominated Governor as the individual responsible for the investigation rather than the Headteacher/member of Steering Group/SLT).

Where a complaint concerns a Governor the complainant should contact the Clerk to the Governing Body. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect with a Chair of Governors or a Nominated Governor from within the SWAN Trust undertaking the investigation.

Where a complaint concerns the Chair of Governors, the investigation will be carried out by a member of the SWAN Trust Board. In this instance please contact the Clerk to the Trust Board.

In exceptional circumstances the Governing Body may appoint an independent investigator to look into the concerns.

If the complaint is not resolved then the complainant should write to the Clerk to the Governing Body, requesting that the complaint is considered by the Complaint Review Panel (in line with the process outlined on page 7).

Formal stages of the complaint procedure

Stage 1 - Investigation by the Headteacher/ designated member of the Steering Group

If it has not been possible to reach a resolution at the informal stage, the complainant may progress to the formal complaint procedure. In doing so, the following steps will be followed:

1. Complainant contacts the Headteacher.
2. The complainant must explain in writing:
 - Details of the complaint
 - Action taken so far and solutions offered
 - Why the complaint remains unresolved
 - What action they would like taken to resolve the problem
3. Receipt of the complaint will be acknowledged within five days of having received the written complaint. It is likely that the complainant will be invited to meet with the Headteacher or designated member of the Steering Group to discuss the matter and to try to resolve the situation amicably. Written minutes of the meeting can be provided when requested in advance.

At the meeting the concerns will be discussed and resolution will be sought. Should a complainant choose not to discuss their concern with the Headteacher or designated member of the Steering Group, this may impede the process and our ability to find a mutually positive resolution.

4. If agreement can be reached at that point, which is satisfactory to all parties involved, this will be confirmed in writing following the meeting.
If the issues are not resolved by the end of the meeting, the Headteacher/designated member of the Steering Group will then commence a full investigation.
5. The Headteacher/ designated member of the Steering Group will provide the complainant with written confirmation of the outcome of their investigation within 15 days of receipt of the written complaint.
Where the complaint is about a member of staff, an informal mediation meeting may be offered to see if a resolution can be reached.
If the complainant is not satisfied with the outcome, he/she is able to progress to Stage 2 of the complaints process.
6. The Headteacher/the Steering Group will make and retain a record of the concern and the outcomes of the investigation.

Stage 2 - Investigation by the Chair of Governors/Nominated Governor

1. The complainant should submit a Stage 2 complaint form to the Chair of Governors (see Appendix A for the contact details of the Chair of Governors, and Appendix C for a copy of the form). The form is important as it ensures that relevant information is communicated at the outset. If the complainant has difficulty in expressing themselves in written English, in accordance with the Public Sector Equality Duty (under the Equality Act 2010), the school will make reasonable adjustments to allow the complaint to be expressed in another way.
2. The Chair of Governors may choose to delegate the investigation of the complaint to a Nominated Governor.
3. Receipt of the complaint form will be acknowledged in writing within five days. In most cases the complainant will be invited to meet with the Chair of Governors/ Nominated Governor at the outset of the process. Should a complainant choose not to discuss their concern with the Chair of Governors/Nominated Governor, this may impede the process and our ability to find a mutually positive resolution.
4. After considering the available evidence, the Chair of Governors/Nominated Governor may:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Not uphold the complaint and provide the complainant with details of the Stage 3 complaint review process
 - Uphold the complaint in part: in other words, the Chair of Governors/Nominated Governor may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant
5. The Chair of Governors/Nominated Governor should inform the complainant of their decision in writing within 15 days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the Clerk to the Governing Body (Appendix A). Should the complaint not be resolved mediation may be helpful. This can be arranged through the Surrey County Council Area Schools Support Service and will be impartial and objective.
6. A log of all correspondence in relation to the complaint will be kept in accordance with the General Data Protection Regulations 2018 Data Protection Act 2018.

Stage 3 - Complaint Review Panel

In order to proceed to Stage 3, the complainant must complete the Stage 3 Formal Complaints Form (Appendix E), identifying the reasons why they feel that the complaint has not been fully investigated thus far, which element(s) of their complaint remain unresolved, and what outcome they are seeking from the Stage 3 Complaint Review. The complainant should inform the school if they require help with completing the form. The complainant must complete and return the form within ten days of receiving the Chair of Governor's/Nominated Governor's decision or it will not be considered, except in exceptional circumstances.

If the complainant has difficulty in expressing themselves in written English, in accordance with the Public Sector Equality Duty (under the Equality Act 2010), the school will make reasonable adjustments to allow the complaint to be expressed in another way.

The aim of the Complaint Review Panel meeting is to review how the school has managed the complaint. This will include reviewing evidence and outcomes from Stages 1 and 2, and evaluating whether the school has followed its policies and procedures. Consideration should also be given to achieving reconciliation between the school and the complainant however, it has to be recognised that this is not always possible.

The Clerk to the Complaint Review Panel will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing these five days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting. The minutes are a summary of the discussion at the hearing and the decision of the Complaint Review Panel following the hearing, but will not include the deliberations of the panel. The minutes are the property of the SWAN Trust and will be stored in accordance with our GDPR responsibilities.

The following steps will be followed:

1. The Clerk to the Complaint Review Panel will write to the complainant within five days to confirm receipt of the Stage 3 form and detail further action to be taken.
2. The Clerk to the Complaint Review Panel will convene a panel of two academy Governors/SWAN Trust Trustees and one independent member.

All three panel members will have no prior knowledge of the content of the complaint. Complainants have the right to request an independent panel, if they can demonstrate that there is likely to be bias in the proceedings otherwise. Schools should consider the request but ultimately the decision is made by Governors/Trustees.

3. The complaint review meeting will take place within 30 days of receipt of the request for the Stage 3 complaint review. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these all fail to be suitable or the complainant cancels the meeting at the last minute for whatever reason, then the Panel may opt to conduct the Complaint Review meeting in private, without either the school or the complainant being represented. Their considerations will be based on the documentary evidence previously provided by both parties. This is to ensure that the matter is resolved as soon as possible in the best interests of all parties.
4. The Complaint Review Panel will invite the following parties, where applicable:

- The complainant
- The Headteacher
- The Chair of Governors/Nominated Governor who dealt with the complaint at Stage 2
- Relevant witnesses
- Areas Schools Support Service (for procedural advice)

The complainant may ask to be accompanied to the meeting by a friend, relative, representative, interpreter or advocate. This person should not be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant should advise the Clerk to the Complaint Review Panel of the name and role of this supportive companion prior to the hearing, and the Clerk will seek agreement from the chair of the Panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant may not be able to address the panel directly. If the additional person is attending as a supportive companion, they are not there as a witness, and they may not be able to address the panel directly except with prior agreement of the chair.

Neither party is able to bring legal representation with them.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

5. The Complaint Review Panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the governing body regarding the school's systems or procedures to ensure that problems of a similar nature do not recur

6. All parties who attended the meeting will be informed in writing of the outcome of the review within ten days.

This is the final stage at which the academy/Trust will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further before contacting the Education and Skills Funding Agency (ESFA) they should write to the Trust Members who will respond to them in writing. The Members of the SWAN Trust sit above the Trustees, please see the contact details on page 13. The academy/Trust will not consider the complaint beyond this.

Retention and Confidentiality

The complaint investigator/the Chair of the Complaint Review Panel should ensure that a copy of all relevant information relating to the complaint is kept at the SWAN Trust Central Office in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018. The complainant should be informed that this will be done.

A written record will be kept of all complaints, as in line with schools data retention policy, stating whether they were resolved at Stage 1, Stage 2, Stage 3 or proceeded to a Panel hearing and/or the members response. The number of formal complaints registered during the preceding school year will be supplied to parents on request.

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

Recordings of meetings or telephone conversations should only occur when all parties have agreed to the recording. The recording and then possible circulation of such recordings to third parties without the prior knowledge and consent of all other parties involved constitutes a breach of confidence.

Unreasonable complaints and serial and persistent complainants

The SWAN Trust and its academies are committed to dealing with all complaints fairly, impartially and with respect, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. The majority of people with complaints or concerns about academies behave reasonably in pursuing their complaint. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The SWAN Trust defines serial and unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'.

This means that they:

- Treat all academy staff with courtesy and respect
- Respect the needs of children and staff within the academy
- Do not use violence (including threats of violence) towards people or property
- Recognise the time constraints under when members of staff work and allow the academy a reasonable time to respond to a complaint
- Recognise that resolving a specific problem can sometimes take some time
- Follow the academy's complaints procedure

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaint's procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic outcome

- Makes excessive demands on school time by frequent, lengthy, complicated or stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Focus on a trivial matter to an extent which is out of proportion to its significance and continues to focus on this point. It is recognised that determining what a “trivial” matter is can be subjective and careful judgements must be used in applying this criteria

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

Withdrawal of a Complaint

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

Procedure for dealing with unreasonably persistent complaints

Only the Headteacher, with the agreement of the Chair of Governors, may deem a complainant ‘unreasonably persistent’.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ judgement. The Headteacher will ensure that there is sufficient evidence available to justify the decision. If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it.

The Headteacher or Chair of Governors will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

Some or all of the following actions may be taken, depending on the particular circumstances of the case:

- Insisting that no member of staff should meet the complainant on his/her own
- Restricting responses to telephone calls and emails from the complainant to specified days and times
- Requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the governing body, who should only be contacted at the academy address
- Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with

- Banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher

This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from academy premises.

Vexatious, Malicious Harassment and Serial Complaints

Complaints that cause considerable disruption to our work, disproportionate cost and time to deal with and impact the wellbeing of our staff (because of the way the complaint is made or because of its repetitive nature) may be considered to be vexatious.

In addition, if a complaint is considered to cause harassment or is intended to cause harm to the wellbeing of a member of staff, or causes a detriment to the academy in any way, this may be considered to be malicious.

In this instance the complaint will be handled within the SWAN Trust's Vexatious, Malicious Harassment Policy.

Barring from the school premises

Although fulfilling a public function, schools/academies are private places. The public has no automatic right of entry. The SWAN Trust Board/Governing bodies have a responsibility to ensure the wellbeing of pupils and staff, and will therefore act to ensure the academy remains a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied permission to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the Academy Complaints Policy procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governing Body (please see Appendix A)
- If the complainant remains unsatisfied and wishes to take the complaint further, before contacting the ESFA, they should write to the Trust Members who will respond to them in writing. The Members of the SWAN Trust sit above the Trustees (see Appendix A)
- If the complainant feels that the Governing Body acted unreasonably in the handling of the complaint, he/she can complain to the ESFA (for academies) after the complaint's procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances

Education and Skills Funding Agency
Chief Executive's Office
53-55 Butts Road
Earlsdon Park
Coventry
CV1 3BH

- In addition, complaints can be lodged electronically with the Department for Education, through the website www.gov.uk
- Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school is not run properly and needs inspecting. Ofsted will not look into problems with individual students. This course of action is only available if the school's complaints procedure has already been followed <https://contact.ofsted.gov.uk/onlinecomplaints>

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Appendix A

Mrs Caroline Beddows (Clerk to Governors)

The Oaktree School

Gorsewood Road
Surrey
GU21 8WT

Mrs Kerry Hutchins Chair of Governors contact details

The Oaktree School

Gorsewood Road
Woking
GU21 8WT

Ian Girdler (Chair of Trustees)

Trustees@SWANtrust.co.uk

The SWAN Trust

c/o The Horsell Village School
Horsell
Woking
Surrey
GU21 4QQ

Members of The SWAN Trust

The SWAN Trust
c/o The Horsell Village School
Horsell
Woking
Surrey
GU21 4QQ

Appendix B

Roles and responsibilities

It is expected that all those involved in a complaint are treated respectfully.

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- Co-operates with the school in seeking a solution to the complaint
- Expresses the complaint in full as early as possible
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed

The complaint investigator (Headteacher/Steering Group or Chair of Governors/Nominated Governor)

The investigator is the person involved in Stage 1 or Stage 2 of the procedure. The investigator's role can include:-

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - consideration of records and other relevant information
 - interviewing staff and children and other people relevant to the complaint
 - analysing information
- Effectively liaising with the complainant to clarify what he/she feels would put things right
- Responding to the complainant in plain and clear language

The investigator should make sure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to do so

The Stage 3 Clerk to the Complaint Review Panel

The Clerk to the Complaint Review Panel is the contact point for the complainant for this panel meeting and is expected to:-

- Set the date, time and venue of the hearing, ensuring that the venue and proceedings are accessible (please see page 13 for more information)
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Circulate the minutes of the panel hearing to the complainant, the panel, the Headteacher and the Area Schools Support Service representative (if in attendance)
- Notify all parties of the panel's decision

The Stage 3 Chair of the Complaint Review Panel

The Chair of the Complaint Review Panel has a key role in ensuring that:

- The meeting is minuted
- The procedure for the hearing is explained
- The role of the Clerk to the Complaint Review Panel and the Area Schools Support Service representative is explained (including that they take no part in the decision-making but are there to record proceedings, provide procedural advice and may suggest recommendations for resolution)
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- The hearing is conducted in a manner whereby everyone is treated with respect and courtesy
- The panel is open-minded and acts independently
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

Appendix C

The SWAN Trust Formal Complaints Form (Stage 2)

| | |
|--|--|
| Name | |
| Name of pupil, year group and your relationship to them (where applicable) | |
| Name of School | |
| Address | |
| Telephone (Day) | |
| Telephone (Mobile) | |
| Email Address | |

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|---|
| Details of the complaint |
| |
| Action taken so far (including staff member who has dealt with it so far) or solutions offered |
| |
| The reason that this was not a satisfactory resolution for you |
| |
| What action would you like to be taken to resolve the problem? |
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|----------------|
| Signed: |
| Date: |

Official use

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|-----------------------|----------------|
| Date received: | Signed: |
|-----------------------|----------------|

Appendix D

The SWAN Trust Formal Complaints Form (Stage 3)

| | |
|--|--|
| Name | |
| Name of pupil, year group and your relationship to them (where applicable) | |
| Name of School | |
| Contact Address | |
| Contact Telephone (Day) | |
| Contact Telephone (Mobile) | |
| Contact Email Address | |

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|--|
| Reasons for requesting a Stage 3 Complaint Review (reasons why you feel your concerns have not been fully addressed, and any evidence that you feel has not been fully considered) |
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| Action taken so far (including staff member who has dealt with it so far) or solutions offered |
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| The reason that this was not a satisfactory resolution for you |
| |

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| What outcome are you seeking from the Stage 3 Complaint Review? |
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|---------|
| Signed: |
| Date: |

Official use

| | |
|----------------|---------|
| Date received: | Signed: |
|----------------|---------|

If you need procedural advice regarding your complaint please contact the Area Schools Support Service via the Surrey County Council Contact Centre on 0300 200 1004.