



# The Governance of Complaints

The Governance Service

## Delegate Pack

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## Introduction

This delegate pack has been compiled to for governors and trustees, to accompany the Governance of Complaints course delivered by the Norfolk Governance Service. The course and information is designed to support governors and trustees to deliver a professional service to the education sector, when acting as an independent panel member. The information should also provide a depth of understanding to school governing bodies, so that they may support and challenge school leaders.

The advice in this course is aligned to the process set out by the Department for Education's 'Best practice guidance for school complaints procedures' (DfE 2020). This process is not mandatory; schools/trusts can and do use different systems and stages to suit their unique context.

## Essential reading

### Schools/Trusts complaints policy

School governors should have a clear understanding of their own school or trust Complaints procedure, so that when a complaint arrives, the process is followed accurately from the start. The Complaints procedure is a statutory document which means the school must publish it online, and the Department for Education recommend that it is updated annually.

<https://www.gov.uk/government/publications/statutory-policies-for-schools-and-academy-trusts/statutory-policies-for-schools-and-academy-trusts>

<https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

A school complaints policy should be comprehensive and simple to understand; if the stages are numerous or complex, it is likely that the school and complainant will struggle to consistently act within accordance of the policy.

The policy should explain how to complain, provide contact details, and clarify the escalation process. In Local Authority maintained schools, the Department for Education receives complaints which are not resolved at the panel stage. For academy trusts, the escalation would be to the Education and Skills Funding Agency (ESFA).

Academy trusts often deviate further from the DfE guidance, due to the variety of governance structures and size of trust. Larger trusts will usually appoint the CEO or designated Trust Officer to investigate complaints about the Headteacher/Principal or Chair of Governors/Trustees.

### Best practice guidance for school complaints procedures (DfE 2020)

The Department for Education sets out the best practice principles and recommended process for handling complaints. This includes a 'model complaints policy' (including complaints form) which schools can choose to adopt. Whether they use the suggested approach or not, all schools 'must have regard' to this statutory guidance. (Education Act 2002). This guidance also sets out the process for

receiving complaints about the Headteacher/Principal, Governing Body/Trust and Chair of Governors/Trustees.

<https://www.gov.uk/government/publications/school-complaints-procedures>

### The benefits of a listening culture

Complaints are recognised as an expression of dissatisfaction and resolving issues at the earliest point is in the best interests of both parties. The best practice guidance explains that the process must be non-adversarial, meaning that there should be no 'right' or 'wrong' party; disproving any justification for the complaint is not a factor in its resolution. Outstanding schools view complaints as important feedback, recording all concerns, reviewing them thematically and providing evidence where changes have been made.

A constructive response to the issues raised, with a timely apology, can rebuild a broken relationship and provides a welcome opportunity to examine processes and practices and ask the question, 'what could we have done better and what can change to stop this happening again?'

Although complaints are often perceived negatively, they are an opportunity for organisations to grow and improve. Mishandling a complaint can result in a relationship becoming combative and the situation escalating into a governors' panel meeting unnecessarily.

Benefits of a listening culture include:

- Increased trust, confidence and satisfaction from parents and the community
- Understand and manage parent and carer expectations
- Safeguarding culture
- Prevention of repeat complaints
- Increased staff satisfaction and engagement
- Save time and money by resolving problems early and efficiently
- Enhanced reputation and credibility
- Address performance issues & morale
- Ideas and change
- Recognise and benefit from different opinions and viewpoints

### What does a listening culture 'look like'?

**Non-adversarial** – we are not looking for a 'right and wrong'; we are listening to the thoughts and feelings of the complainant, to ensure that we completely understand their concerns.

**Tone** – we are ready to discuss issues with openness and transparency, and we are not taking the issues raised personally. We embody our school ethos and values, showing kindness and patience to adults and pupils. Are we as governors confident

that our schools respond to complaints in a way which upholds our culture and values?

**Active listening** – we pay attention, show that we're listening, provide feedback, defer judgement, and respond appropriately. There are many online resources available which offer support and techniques for practicing active listening, for example [www.Mindtools.com](http://www.Mindtools.com)

**Body language** – move to a quiet place and sit down if needed, uncross arms, eye contact, smile and nod.

### The cost of getting it wrong

A mis-managed complaint will escalate and become a distressing situation for all involved. At the worst end of the scale, the impact can cause staff or senior leaders to require time off work due to stress, or even resignation. Where a pupil is involved (if a parent/carer makes a complaint), it is likely that the child will also be experiencing anxiety as a result of the dispute. Other examples of negative impact are:

**Demotivation** – a complaint which has not been handled well is a demotivating experience, for the school staff and complainant. Prolonged and acrimonious complaints are a leading cause of governor resignation.

**Financial** – the process is very time-consuming and will divert time and energy from key members of staff. The estimated salary cost for senior and office staff to manage a complex complaint could go into the tens of thousands of pounds. If the school require an external Governance Professional/Clerk, this may cost up to £500.

**Disruption** – to the day-to-day running of the school, and distraction from other urgent issues. This can be prolonged for a number of months.

**Reputational damage** – the complainant will lose confidence in the school and likely share this perspective widely. They may also escalate the issue to the DfE and/or Ofsted.

**Emotional impact** - Complaint handling is one of the few times that a school governor steps into the 'operational' running of school. By the time a complaint has reached the panel stage, relationships may have become acrimonious and started to feel personal to both parties. The governors may be subject to unwanted emotional behaviour from either party; it can be a challenging role to remain impartial yet supportive.

## Overview of the recommended process

Informal	Stage 1	Stage 2	Escalation
Eg Discussion with class teacher/phase lead	Submit complaint form to HT	Complaint panel stage	Referral to DfE or ESFA
Email school office	HT or Complaints Co-Ordinator leads investigation	Co-ordinator agrees date for panel with complainant Co-ordinator allocates other panel members, sources Clerk	If complainant believes the school did not handle their complaint in accordance with complaints procedure or they acted unlawfully or unreasonably
	Written outcome provided to Complainant	Panel hearing outcome circulated to all attendees	DfE will consider They will consider whether the School adhered to education legislation and any statutory policies connected with the complaint.

### Key roles

Every school will have its own process for handling complaints, depending on its size and context. To ensure we receive and respond to complaints fairly, thoroughly, and consistently, it is recommended that a Complaints Co-ordinator is appointed within the school to manage the process from informal stage onwards. The governing body may also find it useful to appoint a link governor for complaints, to take a lead on policy reviews, monitor staff training and development, and report on thematic findings annually.

Schools must ensure that the complaints procedure explains how to make a complaint and gives the contact details for the right person so that it is dealt with immediately. If the DfE model policy is adopted, schools are recommended to examine the role of the Clerk within this policy and adjust this to 'School Business Manager' or 'Office Manager' where appropriate. The Governance Professional/Clerk is usually employed on an 'ad hoc' basis to attend the panel and would not normally be the first point of contact for complaints.

The Headteacher/Principal should take responsibility for investigating formal complaints or delegate this role to an appropriate person within the school. A thorough report of the complaint investigation should be compiled, and a judgement should be provided by the Headteacher/Principal. A complaint cannot be escalated until this stage is completed.



For more detail on the key roles, see the [DfE model complaints policy](#) p10 onwards.

### Additional roles

School complaints are often not straightforward and may involve a number of different people at different points in the process. Confidentiality is essential and can be a complex issue given the variety of stakeholders:

- Complainant – can be a parent or member of the community
- Class teacher or phase lead - should respond to informal complaints and concerns if relevant to their role
- School office staff – as above- if the complaint is a business matter
- Chair of Governors (CoG)– should receive complaints about Headteacher/Principal. The CoG can also volunteer as panel member if impartial to the complaint.
- Clerk/Governance Professional to the Board of Governors – may receive complaints about GoG and/or individual governors
- Link Governor for complaints – individual role within the school’s governing body. Responsible for oversight of complaints procedure and thematic reporting
- Norfolk Governance Service – can offer process support to Governors and Headteacher. Can assist with recruitment of independent panel members.
- Governance Professional (Clerking) service – can co-ordinate the process and/or minute the panel (for additional cost).
- Human Resource Officer – can offer a steer on procedural queries, if the school has an HR contract.

### Informal stage

#### A complaint comes in

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

Anyone can make a complaint – parent, carer, member of the public.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

#### What is not a complaint

At the earliest stage possible, its important to clarify the scope of the school complaints procedure. Many issues can be resolved by managing the complainants expectations in terms of the possible outcomes of the process. The DfE model policy provides the scope on page 2, explaining that many issues which arise must be directed to the ‘source provider’ (usually the Local Authority for maintained schools).

For more detail on the scope of the school complaints process see the DfE model complaints policy p2 onwards.

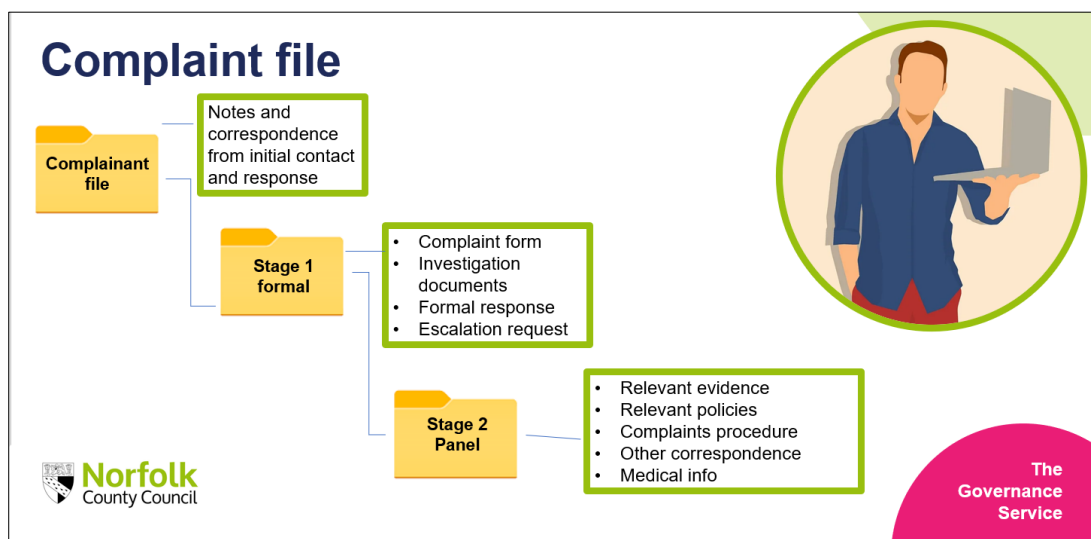
## Resolution

The outcome of a school complaints process is limited to an apology, an admission that the situation could have been handled differently or better, and/or a review of school policy in light of the complaint. It is important to establish which school policy/ies relate to the issue raised by the complainant. The investigation should seek to establish whether the school has followed its own policy/ies, or whether a policy may need changing. A school's Behaviour Policy is often the key document being scrutinised at a complaints panel, to establish fairness and consistency of enforcement.

## Keep a structured Complaint file

Hopefully the school will be able to hear and resolve complaints and concerns informally through a verbal discussion or email. However, it's common for a complaints to grow and 'branch' into other areas. We recommend creating an 'evidence pack' file from the first contact so that the process can be followed and paperwork easily collated at a later point. The DfE/ESFA will agree for a complaint to be escalated if there is evidence that the school has not followed its own complaints process, so it's essential that the paper trail is well organised from the outset.

Schools may wish to adopt the following file system:



## Best practice principles for managing complaints

If a complaint is raised verbally and informally, ensure that you ask the complainant at the earliest stage what they think might resolve the issue - an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action. (See also p11 – 'saying sorry').

When responding to an issue in writing, advise the complainant of any escalation options **at each stage** of the procedure - for example, when communicating the outcome of the informal stage, include the details of the stage 1 process.



Devise a reporting strategy for complaints so that the outcomes and learning points can be shared with colleagues, the governing body, and wider school community if appropriate.

### Challenging conversations

School staff are the first point of contact for parents and carers to raise their concerns, and they have the sometimes-difficult task of being the spokesperson for school leadership or local authority decisions. They are called upon to resolve classroom disputes and sometimes to adjudicate in personal disputes between families. The inter-personal role of school staff is essential in managing these conversations with kindness and clarity, whilst ensuring concerns are dealt with professionally.

A complainant may raise an issue in an emotionally charged way, for a number of reasons. There may be socio-economic pressures or mental health issues, or the complainant may have been holding onto their concerns for a long time, allowing resentment to build.

Emotional behaviour (shouting, crying, making accusations, aggressive body language, refusal to discuss matters calmly) is often a result of someone feeling:

- Threatened or attacked
- Fear
- Powerless
- Frustrated
- Unfairly treated
- Disrespected

It is sometimes the case that a person relies on emotional behaviour to be seen or heard.

### Common mistakes

The information below is designed to support people with challenging conversations and is a useful resource when preparing to discuss issues with parents or members of the public who have raised issues.

#### **We fall into a combat mentality**

When difficult conversations turn toxic, it's often because we've made a key mistake: we've fallen into a combat mentality. This allows the conversation to become a zero-sum game, with a winner and a loser. But the reality is, when we let conversations take on this tenor – especially in school – everyone looks bad, and everyone loses. The real enemy is not the other person, but the combat mentality itself. We often get stuck thinking that our story is “right” and their story is “wrong,” when in fact there is almost always some reasonable basis for both sides' stories. Explore each other's stories, instead of attacking theirs and defending yours.

#### **We try to oversimplify the problem**

A straightforward complaint should be straightforward to resolve. It may be tempting to condense the ‘branches’ of a complaint into one main issue, so that it can be addressed more easily. However, this approach can lead to the complainant feeling

unheard, and possibly trigger the complaint to be resubmitted under a new heading. The best approach is to separate out all the individual concerns and address them in sequence.

### **Show respect for the complaint and complainant**

Whether communicating verbally or in writing, it's important to take some time before making a response. Consider some self-reflective questions – am I feeling defensive about this subject? Does this matter feel personal to me?

Take some time to ensure that you respond in an enquiring, respectful and impartial manner, and if this is difficult ask for support from a colleague. Dealing with hostility from a complainant can trigger an emotional response which in itself would be a serious issue, not only for those involved in the moment, but also later down the line if the complaint progressed to a panel or the Department for Education.

A lack of respect can be made clear through body language such as eye rolling, shared looks, and through behaviour such as inappropriate responses (smiling or laughter), sarcasm and cutting remarks.

**Defensiveness** is an understandable reaction, when we feel unfairly accused or attacked, particularly if a complainant is mistaken regarding the facts or events. School staff work incredibly hard, delivering education and care to their pupils with incredible personal effort and consideration. It's therefore not surprising to find that a complaint may have been responded to with defensiveness from the school.

However, this response usually has the effect of escalating the conflict. When we are defensive, we tend to stop listening to the other's viewpoint and communication is shut down. Whilst complaints must be heard and responded to, this is not a case of proving the complainant wrong. To instil trust and confidence in our community, we must aim to respond to complaints with curiosity, respect and openness.

### **Making assumptions**

Gaining clarity is an essential aspect of managing complaints. We need to understand what the complainant would like to see changed as a result of the complaint, and our complainant needs to be clear on the fairly limited possible outcomes of the complaints process:

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

## Handling challenging situations

The CARP System – Robert Bacal

### **C – Calm control**

- Behave in ways that highlight that you will not become defensive, angry, or flustered.
- Remain calm even when they are not, adopting positive body language and eye contact, slowing people down. Monitor their body language and tone.
- Listen actively, ask questions, check facts, summarise.
- Ask yourself: 'is this a difficult person in a situation' or a 'difficult situation for a person'

### **A – Acknowledge**

- Acknowledge that you understand their emotional state and the situation (not the same as agreeing with their grievance)
- Treat them with respect, maintaining an open and friendly manner
- See it from their perspective, don't argue.

### **R – Re-focus**

- Make the transition to re-focus from dealing with the emotions to dealing with the actual problem.
- Be direct, clear and concise in your language, free from jargon and waffle.
- Identify the required outcome(s)
- If you have to say 'no' then do so with empathy and respect and try to offer explanations and alternatives

### **P – Problem-Solve**

- Obtain and give information and suggest possibilities. Explain 'why' as well as 'what'.
- Look for a WIN - WIN if possible, working hard to agree an acceptable solution

## Formal Complaints (DfE Stage 1)

### Headteacher investigation

If the complainant is not satisfied that their complaint has been dealt with informally, the formal stage should commence, where a suitable person within the school investigates the issue.



For more detail on the investigation, see page 4 'Stage 1' of the [DfE model complaints policy](#).

## Making and sharing the decision

After investigating the issue, the Headteacher/Principal must write to the complainant to explain the outcome.

- Be clear and compassionate
- Clearly set out the issues the complainant raised and what they want to achieve by complaining.
- Use language that is empathetic and that the complainant can understand.
- Provide evidence
- Set out how you have investigated the complaint and what evidence you considered, for example interviews with relevant staff, relevant records.
- If the complaint was about a specialist area and you consulted with someone, include details of the consultation and how it helped you reach a conclusion
- Explain whether or not something went wrong

Set out:

- what happened, with reference to the evidence
- what should have happened, quoting relevant regulations, standards, policies or published guidance, and if they were met
- if there is a difference between what happened and what should have happened, explain what this is and the impact it has had.
- Be clear about your decision and any action you will take
- Give your view about the quality of education/care provided by the school and clear reasons for your decisions.

If the school was at fault in any way, include:

- a suitable apology. The Compensation Act 2006 states; 'An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty'. (source: [Compensation Act 2006](#) – Chapter 29 page 3)
- an offer to put things right
- explanations of what lessons have been learnt
- details of how the school will put matters right for other pupils and families.

When issuing an apology verbally or in writing, it's useful to consider the following advice designed to support NHS staff in handling complaints:

[source: <https://resolution.nhs.uk/resources/saying-sorry/> ]

<b>Don't say</b>	<b>Do say</b>
I'm sorry you feel like that	I'm sorry X happened
We're sorry you're offended	We're sorry for the upset caused
I'm sorry you took it that way	I'm sorry, we have learned that...
We're sorry but...	

## Panel Hearing (DfE Stage 2)

### Proceed to panel

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee/panel.

Complaints Co-ordinator sets date with complainant and recruits other panel members.

Panel will consist of at least three governors with no prior involvement or knowledge of the complaint.

Schools must consider timescales carefully; as a governor you can raise concerns if you're not given enough time to read the paperwork. Panels can be moved for the right reasons.

### Preparing for the panel

The information below is an excerpt taken from the Norfolk County Council Governance Professionals (Clerks) Panel training course. The checklist provides a useful insight into the complexity of this process.

	<b>Clerk's checklist of actions – panel preparation</b>	<b>Actioned (✓)</b>
	<b>Task</b>	
1	Acknowledgement letter to be sent to the complainant within [ ] school days.	
2	Panel hearing to be arranged within [ ] school days from date of receipt of the written complaint.  Potential attendees: Pupil / family / family supporter / headteacher / principal / other staff members / Governance Professional  Secure 3 governors for the panel (checking for any conflict of interest). For academies one panel member must be independent of the management of the school  If unable to secure a quorum, contact the Governance Service to assist.	
6	Governance Professional to be arranged.	
7	Copy of agenda / request for written submissions to be sent to all parties as soon as date and time of hearing is confirmed.	
8	Complainant / parents/carers to be invited to attend the meeting	

	Note: check for any special requirements i.e. translator/disabilities.  Confirmation of hearing details to be sent to panel.	
9	If applicable, remote meeting link to be shared with anyone attending remotely.	
10	Evidence documentation pack to be assembled as per separate checklist.  All documentation to be redacted to ensure no other students can be identified.  The hearing agenda should list all attendees, to ensure the complainant has no objections to any of the panel members	
11	Evidence pack to be circulated one week (5 school days) prior to the hearing date to all those in attendance. This can be sent electronically but hard copies may be required so liaise with the school for packs to be posted as needed, and ensure they are still received in line with the deadline above.	
13	The decision letter has been approved by the panel chair, signed by the chair or pp as the Governance Professional and sent immediately to the complainant (via the school if appropriate). The decision letter must refer to appropriate appeal procedure.	
15	Hearing minutes approved by the panel chair and shared with the school for filing and the complainant.	

When deciding whether to volunteer for a complaints panel, it's worth considering the following matters:

- Panels benefit from being face to face if possible, make every effort to be there in person as this can de-escalate an acrimonious atmosphere.
- Clarity of desired outcome: what actions does the complainant require to resolve the problem at this stage? If this is not clear from the paperwork, seek this information from the Governance Professional/Clerk as soon as possible.
- Read and understand the evidence pack – the panel should have this paperwork at least 5 days in advance
- Preparing for emotional behaviour - see pX above
- Preparation for challenging conversation - see pX above
- Allow time afterwards – keep your calendar clear to ensure you can rest mentally and physically

### Evidence pack

The school Complaints Co-ordinator should ideally be responsible for compiling the evidence pack. Best practice is for all correspondence to be labelled with its

corresponding stage to ensure the complainant understands which part of the process they are within.

The information below is an excerpt taken from the Norfolk County Council Governance Professionals (Clerks) Panel training course.

The evidence pack should include the outcomes of the previous stages of the procedure, that is, the headteacher's /principal's / chair of governor's responses. It should also include any written representations from the school and complainant they feel supports their complaint as the panel needs to consider the complaint fully. Understanding why the complaint remains dissatisfied is key and what they want to achieve by escalating the complaint to a panel meeting. The link to the list of potential sources of evidence can be found earlier in this document.

When preparing the paperwork, the Governance Professional should:

- Number the pages and copy the school and complainants' submissions on different coloured paper if desired
- Create a covering index listing the evidence contained in the pack
- Send the paperwork, together with the agenda, to the panel members and all parties, including the complainant, at the same time and at least five school days prior to the meeting, allowing more time where there is a significant amount of reading needed
- Consider and seek advice, if needed, about sending any relevant school policies with the paperwork, for example those relating to anti-bullying, behaviour/discipline, special educational needs etc

**NB** – the following option is for evidence packs on complaint cases only and where all the panel members sit on the board and therefore have access to the school GovernorHub folders. For these attendees a confidential folder, which restricts access only to the panel members, can be set up by the GP and the evidence documents stored there rather than being sent separately. Naturally a pack would still have to be sent to the complainant as they would not have access to GovernorHub, but it saves a little time and paper by adopting this practice. **The folder would have to be deleted by the GP once the panel meeting has been concluded.**

### At the panel

The panel is usually arranged by the school and all attendees are invited in writing. The Complainant will receive the same evidence pack as the panel. Sometimes the Complainant chooses not to attend; the panel may proceed if this is explained in the

school complaints procedure. The Governance Professional's role is vital, they are the governance expert and will support governors through the process. It is highly advised that they are independent from the school.

Consideration should be given to the environment and seating arrangements to ensure it is accommodating and unthreatening. All parties will join the governors in the room at the same time; no-one should be alone with Governors ahead of the meeting, except the Governance Professional. The Headteacher/Principal and panel members should not talk outside the hearing, to ensure there is no appearance of bias.

The panel will not review any new complaints at the panel stage or consider evidence unrelated to the initial complaint of the to be included. New complaints must be dealt with from Stage 1 procedure, or as directed within the school complaints procedure.

### Example agenda for a Complaints Panel

<b>AGENDA</b>	
Name of school / Academy Minutes of the Governing Board panel meeting held on [date] at [time] at [venue] to consider the complaint raised by [name of complainant]	
<i>Please ensure that you have read all supporting documentation. You may wish to have access to the documents during the meeting, however please ensure all documentation is disposed of confidentially afterwards.</i>	
<b><i>If you are unable to attend the meeting please let the Governance Professional know.</i></b>	
Number	Item
<b>1</b>	<b>Welcome and Introductions by the panel chair</b>
<b>2.</b>	<b>Explanations of the procedure by the panel chair</b> To outline the procedure being followed and the options available to governors. Outline the virtual meeting etiquette and what will need to happen if someone experiences IT issues.
<b>3</b>	<b>Complainant's verbal submission in support of the submitted written statement outlining why they feel the complaint has not been resolved</b> Verbal statement by the complainant
<b>4</b>	<b>Questions from the panel to the complainant</b> The panel's opportunity to question the complainant and gain clarity regarding the issues and what the complainant feels is required to fully resolve the complaint
<b>5</b>	<b>Headteacher / principal's verbal submission in support of their written account and the steps already taken to resolve the issue</b> Verbal statement from the headteacher / principal.
<b>6</b>	<b>Questions from the panel to the headteacher / principal</b>
<b>7</b>	<b>Closure of the meeting by the panel chair</b> Opportunity to ensure all parties to have a final chance to say all they wanted to and explain how and when parties will be notified of the decision.
<b>8</b>	<b>Consideration by the panel</b>



Number	Item
	All parties withdraw from the meeting except for the panel members and the Governance Professional so a decision can be made based on the evidence provided.
<b>9</b>	<b>Decision of the panel</b> The decision will be confirmed in writing.
<b>10</b>	<b>Agree the content of the letter to go to all parties</b>
<b>11</b>	<b>Meeting close</b>

### The decision of the panel

At the 'consideration stage', all parties should leave the meeting whilst the panel and Governance Professional remain. The panel members should fully discuss all the submissions made at the meeting. The Governance Professional should not contribute to such discussions except to advise on procedural matters or clarifying any issues from their notes.

The panel must decide on the appropriate action to be taken to resolve the complaint, and, where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The panel's overall judgment will either be to 'uphold the complaint in whole or in part' or 'dismiss the complaint in whole or in part'. When reaching a conclusion, best practice is to apply the proposed 'resolution' options provided in the DfE guidance.



For potential panel outcomes, see page 4 'Resolving complaints' of the [DfE model complaints policy](#).

### After the panel

The panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, verbally at the meeting and in writing (in the form of a letter), within timeframe.

The outcome letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school

The information below is taken from the Norfolk County Council Governance Professionals (Clerks) Panel training course.

### After the meeting

The panel should agree the content of the decision letter. The letter should summarise the panel's understanding of the complaint, outline the main issues, state

the decision, and explain the reasons for the decision. If appropriate it should also include any recommendations. The letter should be prepared by the Governance Professional at the meeting, agreed with panel members and will ultimately be signed by the chair. A template letter is included at Appendix 5.

The panel is free to make any decision it sees fit, but courses of action could include;

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur

The letter should be shared with the chair of the panel for their sign off. The letter and minutes should be password protected before sending by email. The password should be given to the chair and headteacher / principal under separate cover.

The letter will be sent to the complainant as soon as possible but in any event typically the school's procedure states within ten school days of the panel meeting. A copy of the letter and the minutes should be sent to the headteacher/principal so it can be filed in a confidential manner.

Common practice is the minutes are shared with the complainant, they are entitled to them, subject to any necessary redactions, under the Data Protection Act 2018 and GDPR. Therefore, write the minutes sensitively as they will be shared.

## Safeguarding concerns

The school complaints process is not designed to hear safeguarding concerns about individual pupils. Concerns about safeguarding in school should be raised immediately with the school staff who escalate it to the Designated Safeguarding Lead for action.

A safeguarding issue may come to light during the complaints process through:

- Informal discussion with the complainant where they raise something not previously mentioned
- Witness statements within the evidence pack (for the panel)

If a safeguarding issue is disclosed during the complaints process, you must pass this to the school Designated Safeguarding Lead for action without delay.

If the complaint is regarding a safeguarding principle, it should be investigated and consultation with the Education Safeguarding Team should be sought.

Ensure governor safeguarding training is up to date to identify issues and reporting routes.

Safeguarding Children in Education – the Governors Role  
Contact [governor.services@norfolk.gov.uk](mailto:governor.services@norfolk.gov.uk)

How to raise a concern about a child

<https://www.norfolkscb.org/people-working-with-children/how-to-raise-a-concern/>

## Frequently asked questions

- Can the complainant bring legal representation?

The DfE guidance explains that *'in the event that a complaint progresses to a committee of members of the school governors, we recommend that neither the complainant nor the school bring legal representation. These committees are not a form of legal proceedings.'*(DfE 2020)

The model policy states the following *'Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.'*(DfE model policy 2020 p6)

Also *'If a complainant commences legal action against <School Name> in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.'* (DfE model policy 2020 p4)

- Can complainants deviate from the policy?

Yes – they can and will. The governor and school's role is to guide the process back into the stages when it deviates. This can be done by using stage headings in correspondence, responding to separate emails within one letter, and explaining in writing when an avenue of complaints has been concluded (if there are more than one). Schools and governors should be flexible and never refuse to communicate with a complainant due to bureaucratic reasons.

- Can schools deviate from the policy?

Yes, to suit the complainant or pupil if one is involved. For example, timescales can be extended.

- How to address duplicate complaints/campaigns?

The DfE provides specific guidance on these matters – schools do not have to investigate duplicate complaints, and campaigns can be responded to by publishing a statement online.

- Can a Chair of Governors speak to the complainant directly, prior to the panel?

This depends on the stage of the process, but at the informal stage, if the CoG is not appearing on the panel, they can speak to the complainant if the school are in agreement.

- Can meetings be recorded, and can recorded evidence be submitted to the panel?

The DfE provides specific guidance on these matters – meetings can be recorded if all parties agree. *‘Unless exceptional circumstances apply, we’ll support schools who refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. We recommend this is made clear in complaints procedures.’* (DfE 2020)

- Is a complaint about a Headteacher’s decision therefore a complaint about the Headteacher?

And

- Is a complaint about a policy therefore a complaint about the Principal?

Although the Headteacher/Principal has final say in terms of the decisions made in the school, and the policies the school adopts, a complaint about these areas does not constitute a personal issue with the person in post.

Where a complainant is unhappy with the decision the Headteacher has made, the decision should be reviewed against the corresponding school policy document.