

# Complaints Toolkit

To accompany the model policy, we are publishing this revised and updated Complaints Toolkit to support schools and governing boards in managing formal complaints. We advise all schools to consult this toolkit before escalating any concerns to the Governor and Clerking Service.

# Complaints Toolkit

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## Introduction

Complaints are a part of everyday school life. However, how they are handled and reviewed can lead to different outcomes. This pack is intended to support schools and governing boards in managing formal complaints received at the school in line with the model East Sussex Complaints Policy and Procedure. Informal complaints should be handled by the appropriate member of staff and many complaints are resolved at this stage. However, this is also the stage at which complaints may escalate as the handling of the issue did not satisfy the complainant. This could be further exasperated at stage 1 if the issue is not reviewed robustly. In line with this guidance, governors should consider the following:

- Is there a positive culture of handling complaints? Has the governing board created an environment for this through:
  - policies and procedures;
  - appropriate information being published on the school's website, which is easy to navigate;
  - clarity of who should be contacted;
  - appropriate communication for the audience;
  - feedback to complaints;
  - offering an apology.
- Do all school staff and governors understand how the school deals with issues at the informal stage and stage 1?
- What training are staff given to manage the initial contact?
- How does the governing board track complaints at a strategic level? Are there any common issues? Do you track the number and type of complaint? As governors, you should monitor how the school handles complaints by asking for an overview of how many have been received and how they have been handled. Your school should see complaints as an opportunity to improve its practice.
- What expertise does the governing board and clerk have to manage complaints impartially and professionally? What training have governors and the clerk undertaken?

Governor and Clerking Services run courses to support governors manage complaints. Look on GovernorHub for details of upcoming sessions.

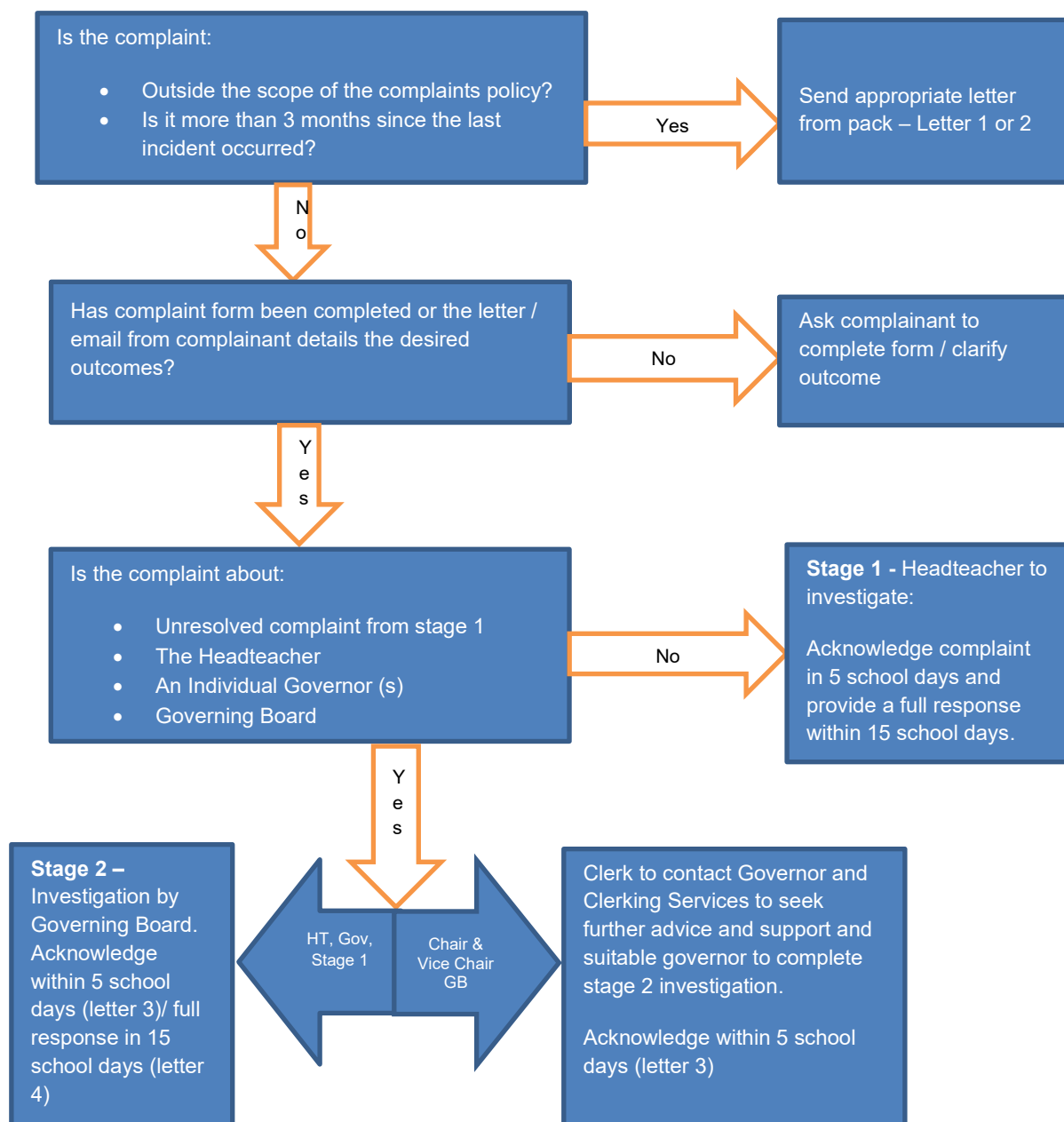
## What do we do when a complaint is received?

### **Always follow your policy**

Always check the policy before taking any action to respond to a complaint and make sure you are following the correct policy. The most recent policy should be published on the school's website with the date of approval by the governing board clearly stated.

The school has a process set out in the complaints policy and procedure for each stage of the complaints policy. Each stage sets out timescales to respond to the complainant and escalation to the next stage. These should be observed as if the DfE become involved in the complaint they will consider if the school followed its published process. These timescales can be extended but the complainant must be made aware of any delays and the reasons for the delay.

It is recommended that the complainant completes the complaint form - this not only sets out the complaint but also what resolution the complainant is looking for. It also will assist the Headteacher in deciding how the complaint should be dealt with. For example, is the complaint out of scope, which includes complaints about admissions, staff conduct and competency? SEN assessments are dealt with through separate mechanisms which are all listed in the policy. The flow chart below should help in deciding the appropriate action to be taken should a complaint not be resolved at the informal stage or the informal stage is not appropriate due to the nature of the complaint, e.g. complaint about headteacher or governing board.



We have devised a complaints tracker (see [template 2](#)) so that the progress of the complaint can be tracked.

## Stage 2 - Investigation.

Investigation can be part of the process at stage 1 and 2. A stage 1 investigation would be undertaken by the headteacher (the policy states, the investigation can be handled by another member of staff but the headteacher will make any decision following the outcome of the investigation). A stage 2 investigation could be carried out by the chair of governors or a 'suitably skilled governor'. A suitably skilled governor may be used in the following circumstances:

- The chair of governors is fully aware of the complaint and is not therefore impartial from previous discussions with the headteacher / involvement.
- The complaint is about the chair of governors or the chair and vice chair of governors.
- The complainant has requested an independent governor, giving good reason.
- The complaint is about the majority / whole governing board.

In the above instances it may be that the clerk decides with the chair as to the best placed governor to investigate the complaint. In cases where an independent governor is requested or the complaint is about the whole governing board, the clerk should contact Governor and Clerking Services who can identify a suitably skilled independent governor who would be able to undertake the investigation.

When undertaking the investigation, the following actions are suggested to establish the facts in an open, transparent, and fair way by:

- Meeting with the complainant and review their expectations. Keep brief notes of interviews or arrange for an independent note taker to record notes of the meeting. Notes should be retained.
- Scrutiny of documentation and interview all relevant parties, keeping brief notes.
- Prepare a comprehensive report for the headteacher that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- Recommendations from this stage should be shared with the full governing board after the date for the complainant to escalate to stage 3 has passed. If the complaint is escalated to stage 3, then the recommendations should not be shared with the board at this point.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Ensure that any papers produced during the investigation are kept securely pending any appeal.
- Be mindful of the timescales to respond - if an extension to the timescales is needed make sure that the complainant is aware of this and why it is necessary.
- If appropriate, discuss the outcomes and recommendations with the headteacher and/or complainant before the outcome letter is sent. The aim of this stage is resolution and if any of your outcomes or recommendations are likely to further inflame the complaint or not realistically be achievable, consideration needs to be given as to how it is worded or if it really needs to be included. Consider if there is another way of finding a resolution.

If an apology is recommended or it is one of the desired outcomes, this should be forthcoming. The Governor and Clerking Service can support the headteacher or the board with the wording of offering an apology if needed.

Once the investigation is complete the investigator sends the complainant a letter ([letter template 4](#)), which needs to include how to escalate their complaint to the next stage if they remain dissatisfied with the outcome. It is recommended that a copy of the policy is also sent.

### Stage 3 - Governing Board Stage 3 Panel

If a complainant remains unsatisfied following the investigation at stage 2, then it will be necessary to convene a panel. The complainant should request this, by writing to the clerk, within 10 days of the formal notification of the stage 2 decision, i.e. the date of the letter / email. Complainants should outline why they are not happy with the outcomes from stage 2 and/or if their outcomes have changed from the original complaint. The clerk may request the complainant to be more specific in order to ensure that a panel is the correct course of action.

You should avoid undermining the headteacher's professional integrity, and the aim of a panel should always be to resolve the complaint and leave the school and the complainant on good terms. Sometimes it will only be possible to establish the facts, but this should at least reassure the complainant that their complaint has been taken seriously.

A stage 3 process requires a Governing Board Stage 3 panel to be convened. The timeline in the policy sets out the following:

<p>Within 5 school days of receipt of request the clerk will arrange a governing board Stage 3 panel.</p>	<p>The clerk should identify 3 suitable governors - one of whom will need to chair the panel. These governors should not have prior knowledge of the complaint and governors who are parents may be conflicted without knowing.</p> <p>Consideration also needs to be given to the location of the meeting - for example would it be better to hold this off-school premises? If so, could it be online?</p> <p>It may be a good idea to have 2 rooms available for adjournments or to use as waiting areas.</p> <p>Acknowledgement of the complaint should be sent (<a href="#">Letter 5</a>)</p>
<p>The panel sets a date to meet as soon as reasonably practical but no longer than 15 school days from the date of the acknowledgement of the letter of complaint. However, where further investigations are necessary, new time limits may be set. The complainant will be sent details of the new date and an explanation for the delay.</p>	<p>In setting a date the clerk should consider the timeframes below in terms of requesting information to then send on to all parties. As all parties need to have the information 5 school days before the meeting, it would be suggested that a panel should meet between days 10 - 15 to allow time for papers to be gathered and circulated.</p>

	<p><a href="#">Letter 6</a> should be sent to the complainants advising them of the date and the date that any papers should be sent to the clerk for circulation.</p> <p>The headteacher/chair of governors should be made aware of the date as they may be required to attend as the school representative.</p> <p>The panel reserves the right to meet at their convenience rather than that of the complainant and reach a conclusion in the interests of drawing the complaint to a close. If the complainant rejects the offer of 3 proposed dates, the clerk will set a date. The meeting will go ahead using written submissions from both parties.</p>
<p>Any evidence and documentation that the complainant and school wish to submit in relation to their complaint must be sent to the clerk to the governing board at least 5 school days before the meeting. All relevant papers will be circulated to the complainant and the school representatives attending the meeting, as well as the Governing Board Stage 3 Panel. Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be accepted as evidence within the complaints procedure.</p>	<p>The clerk should co-ordinate the papers. All parties should receive the same papers; however, care should be taken that any confidential information is redacted from the papers sent to the parents, so as not to breach Data Protection Regulations/Safeguarding issues.</p> <p>Papers should be sent to the complainants and the school - these could be sent in the <a href="#">template pack 8</a> (papers can be embedded). These papers, including the <a href="#">agenda</a>, should be sent to all parties via email or post.</p> <p>Consideration needs to be given to information security and it may be best to agree how this will be sent to all parties, e.g. email, registered post.</p> <p>Complainants are responsible for submitting any papers that they wish the panel to consider. The clerk is not responsible for pulling the papers together on behalf of the complainant.</p>
<p>If the complainant or school wishes to call witnesses the names of these potential witnesses must be advised to the clerk at least 5 school days before the meeting. The panel will consider the appropriateness of any witnesses requested.</p>	<p>The names of the witnesses should be added to the <a href="#">agenda</a> of the meeting. You should also let the school know who to expect on the day so that they can be signed in.</p> <p>Complainants are responsible for advising the clerk and the panel of their own witnesses.</p>

<p>The complainant and school are responsible for ensuring that the witnesses are aware of the time / date / location of the meeting. If the complainant wishes to be accompanied by a suitable companion, this should not be legal representation as the Governing Board Stage 3 Panel is not a form of legal proceedings, the name of the suitable companion must be advised to the clerk 5 school days before the meeting.</p>	
<p>If the panel cannot meet because the end of term is less than 15 days from the date of acknowledgement of the letter of complaint, it must meet within 10 days of the start of the new term.</p>	<p>It is strongly recommended that you try to conclude the meeting before the end of the summer term if possible.</p>
<p>The Governing Board Stage 3 Panel will communicate their findings to all parties concerned within 10 school days of their meeting.</p>	<p>A letter should be sent (see <a href="#">letter 9</a>) to all parties with the outcome. It is not necessary to make formal minutes of the meeting, and these should <b>not</b> be titled as 'minutes', but instead as 'notes'. It is essential that the clerk is present at the hearing and any notes taken are designed to serve as an aide memoir for the panel only.</p>

### What outcome can the panel reach?

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:

- recommend appropriate action to be taken to resolve the complaint.
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The chair would normally compile the outcome letter and the clerk should ensure that all panel members agree the content of the letter prior to the clerk sending it out.

Consider how this will be communicated to the school. The outcome letter should be sent to the chair of governors and it is their responsibility to share this with the headteacher in the most appropriate way. The headteacher may find some of the findings or recommendations challenging, so the chair needs to be mindful to the content of the letter and sharing the information should be done sensitively and diplomatically. If appropriate, the panel chair should discuss the outcomes and recommendations with the headteacher or chair of governors and/or complainant before the outcome letter is sent. The aim of this stage is resolution and if any of your outcomes or recommendations are likely to further inflame the complaint or not realistically be achievable, consideration needs to be given as to how it is worded or if it really needs to be included. Consider if there is another way of finding a resolution.

If the panel recommend an apology, they should be clear as to why previous apologies (if they have been made) were insufficient. Schools should endeavour to send apologies promptly or give them in person at an appropriate time. The Governor and Clerking Service can support the headteacher or the board with the wording of offering an apology if needed.

Panels cannot determine the timelines for schools to enact their recommendations although they may suggest certain issues are more pressing than others.

## Roles of the Governing Board Stage 3 Panel

### Panel Chair

The panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect and courtesy throughout.
- Make sure all parties see the relevant information, understand the purpose of the panel, and can present their case.
- Ensure the meeting is conducted in an appropriate manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy. If this is not the case the chair can stop the meeting; either party may also request that the chair stops the meeting if they feel the meeting is adversarial.
- Seek to put complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
- Ensure the remit of the panel is explained to the complainant.

- Ensure written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under Data Protection Policies and GDPR.

If a new issue arises the panel chair must call a short adjournment of the meeting to discuss the appropriateness of this issue with the other panel members. Due consideration should be given to either parties ability to answer questions on any new issues which they may not have been prepared for. If either party requires more time to prepare, the new issues must not be considered during the meeting and may require additional follow up e.g. a further meeting or new written statements. This may delay the outcome of the panel and all parties should be made aware of revised deadlines.

- Ensure both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- Enable the issues to be addressed and key findings of fact are made if appropriate
- Ensure the committee is open-minded and acts independently
- Check no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Ensure the outcome of the meeting is recorded
- Liaise with the clerk.

### **Panel Member**

Panel members should be aware that:

- The meeting must be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- Panel members should keep all details of the complaint confidential.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- The complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's

parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

### **Clerk to the panel**

The clerk should be the contact point for the complainant and the panel, including circulating the relevant papers and evidence. Their role includes:

- administrative support for the meeting, including convening it
- procedural advice and guidance during the meeting
- advise the chair of governors and panel members of appropriate sources of support
- act in accordance with the policy and procedures
- produce notes of the meeting for review by the panel members only
- notify the complainant in writing of the outcome of the meeting and the next stage of the process should they wish to pursue the matter further;
- advise the headteacher and/or chair of the outcome and of any further action to be taken.

## What records should be kept?

Each school has their own retention schedule. However, best practice is to keep records relating to complaints for at least 6 years after the complaint was resolved. Then, administrative staff should review the records and decide whether to keep them (for example, in the case of any contentious disputes). This is set out in the Information and Records Management Society's [information management toolkit for schools](#).

The Complaint Tracker (see [template 2](#)) helps to record the progress of the complaint.

Governing boards need to consider the physical location of where the papers on the complaints will be held (e.g. with the other governing board records) due to the sensitive nature of some complaints.

## What not to do when you receive a complaint:

- **Don't discuss complaints amongst the governing board**

To ensure a fair process the governors involved in the complaint should not be biased. If a complaint/complainant is discussed openly at governor meetings it will make it difficult to have impartial governors. All governors need to know from the headteacher is that a complaint has been received, for example -an incident was not dealt with in line with a policy. The governing board do not need to know the detail.

- **Don't try to resolve the complaint yourself**

If someone complains to you about your school, don't try and address it there and then. Direct them to the complaints policy. As a governor, you need to avoid discussions with individuals about school management issues.

For example, if a parent approaches you with an issue:

- Explain that meeting individual concerns is not a part of governor's strategic remit
- Tell them to follow the school's complaints procedure to make sure their issue is handled properly
- If you know who they should contact as the first stage of the process, direct them to this person (likely to be their child's class teacher or the headteacher).

- **Don't post anything on social media**

You might see the complaint being discussed on social media - especially if you're a parent governor and are in Facebook or WhatsApp groups with other parents. Whatever you do, don't comment. This could make things worse and is likely to go against your school's complaints policy. As above, it's not your job to talk to individuals about school issues, especially when your comments will be out in public. You should however make the headteacher / chair of governors aware of the issue.

- **Make sure you are following the correct policy**

Always check the policy before taking any action to respond to a complaint and make sure you are following the correct policy. Sometimes what looks like a complaint can be a grievance, or an instance of whistleblowing.

## Appendix A - Templates - Letters and supporting documents for a Panel

### Template 1 - Complaints Proforma

- You may wish to have a proforma to help establish the nature of the complaint and the resolution sought by the complainant. This document has been put together to assist parents, teaching staff and governors throughout the complaints process. The aim is to help organise and focus thoughts onto the key issues of a complaint and the outcomes that are being sought.

<b>Your desired outcome(s)</b>			
What are you hoping to achieve?		What benefits / impact would this have on the wider school environment	
<b>Key points of your complaint</b>			
Please summarise the key issues for you		What has been the impact on you / child / other? <i>Please provide evidence where possible</i>	
1.			
2.			
3.			
4.			
5.			
<b>Timeline - please summarise the sequence of events - in date/time order</b>			
Please give clear references and indications of documents, records, policies and recorded communications that help us understand your point of view and your case.			
Date	Who	What Action (including documents / records / evidence)	Outcome / Response?

Template 2 - Complaint Tracker

Complaint / Subject	Date original complaint received	Stage 1 - Headteacher		Stage 2 - Chair of Governors		Stage 3 - Governing Board Stage 3 Panel		Action to be taken:
				Date request received:		Date request received:		
		Who is dealing with:		Who is completing investigation :		Date panel to meet by:		
		Date response to be sent by:		Date response to be sent by:		Date of Panel:		
		Outcome:		Outcome:		Date papers to be received / sent:		
		Upheld because:		Upheld because:		Panel Chair:		
		Not Upheld		Not Upheld		Panel Member:		
						Panel Member:		
		Embed letter / documents here		Embed letter / documents here		Panel Outcome:		

## Complaint Tracker - Example

Complaint / Subject	Date original complaint received	Stage 1 - Headteacher		Stage 2 - Chair of Governors		Stage 3 - Governing Board Stage 3 Panel		Action to be taken:
		Who is dealing with:		Who is completing investigation :		Date request received:		
Mr and Mrs XYZ complaining about the lack of consistency in application of the school behaviour policy.	1/2/19	Who is dealing with:	Mrs ABC (HT)	Who is completing investigation :	Bob - Chair of Governors	Date panel to meet by:	29/3/19	<p>Use this column with dates to put latest progress, e.g.:</p> <p>11/3/19 - received complaint and contacted COG. Panel to be arranged - waiting for 2 dates from HT before contacting governors.</p> <p>13/3/19 - HT given 2 dates - 26/3/19 and 27/3/19 - contacting governors with both dates to get a final date.</p> <p>14/3/19 - Governor 1,2,3 are available to do panel on 27/3/19. Advised complaint and HT via letter and all papers to be received by 19/3/19 at 5pm.</p> <p>20/3/19 - sent all papers out.</p>
		Date response to be sent by:	14/2/19	Date response to be sent by:	10/3/19	Date of Panel:	27/3/19	
		Outcome:		Outcome:		Date papers to be received / sent:	Received 19/3/19 and send 20/3/19	
		Upheld because:		Upheld because:	Partly upheld - investigation showed that on one occasion the escalation process wasn't correctly followed.	Panel Chair:	Governor 1	
		Not Upheld No evidence to show that the behaviour policy had not been followed.		Not Upheld		Panel Member:	Governor 2	
Embed letter / documents here		Embed letter / documents here		Panel Member:	Governor 3	Panel Outcome:		

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**Template Letter 1 - Response to a complaint where more than 3 months has passed since the incident that caused the complaint**

Dear

I am writing further to the letter received concerning your complaint about  
.XXXXXXX

The school complaints policy makes clear that complaints should be made as soon as possible after an incident arises and no later than 3 months afterwards. Exceptions will be considered where there are valid reasons for not making a complaint at the time.

Having reviewed your complaint I can advise that given the time frame which has passed your complaint will not be investigated by the school.

I have enclosed a copy of the school's complaints policy and procedure for your information.

Yours sincerely

**Headteacher / Chair of Governors**

**Template Letter 2 - Response to send when complaint received is outside the scope of the complaints policy.**

- **Page 5 and 6 of the ESCC model complaints policy and procedure sets out complaints outside the scope.**

Dear

I am writing further to the letter received concerning your complaint about  
.XXXXXXX

As stated in the school complaints policy, your complaint is outside the scope of the policy and procedures and there are separate procedures to deal with your complaint.

I have enclosed a copy of the school's complaints policy and procedure which gives further information of who you should contact.

Yours sincerely

**Headteacher**

### Template Letter 3 - Acknowledgment of complaint received - Stages 1 and 2

- This letter can be sent at stages 1 and 2 of the complaints procedure but must be sent within 5 school days of receipt of the complaint.

Dear

I am writing further to your letter dated XXXX concerning your complaint about XXXXXXXXX

I can confirm that I will be investigating your complaint and will respond to you in writing by XXXX *insert date - no longer than 15 school days from receipt of complaint*. Should I not be able to meet this deadline I will provide you with an update and revised response date.

*If the nature of the complaint isn't clear or what outcome the complainant is seeking the following paragraph can be used, however it would always be recommended that this could be established from a telephone call / face to face meeting:*

So that I can fully investigate your complaint, I would be grateful if you could clarify the following:

- *The nature of your complaint \**
- *What issues remain unresolved (how the previous stage did not address your complaint sufficiently) \**
- *Any evidence appropriate to your complaint \**
- *What outcome you would like to see \**

*\*delete as appropriate.*

In the meantime, I have enclosed a copy of the school's complaints policy and procedure for your information.

Yours sincerely

Headteacher / Chair of Governors

## Template Letter 4a - Response letter following investigation

Private and Confidential  
COMPLAINANT

DATE

Dear

Thank you for meeting with <NAME> investigator / governor, to support the investigation into your complaints regarding XXXXXX at <School>, under stage 2 of the school's complaint policy and procedure.

<NAME> has considered your complaint and I am writing to you to inform you of the outcome.

### Complaint:

- *Summarise the complaint and the investigator's findings.*
- *Include whether the complaint is upheld or not upheld or partially upheld*
- *Include any recommendations the investigator is making*

### Next Steps:

Should you remain dissatisfied with the outcome of the investigation of your stage 2 complaint you should write to the clerk to the governing board <NAME> at <EMAIL> within 10 school days of the date of this letter, setting out the outcome of the Stage 2 process did not resolve your complaint satisfactorily. I have enclosed a copy of the school's complaints policy and procedure for information.

Yours sincerely

Clerk - **this letter could be sent from the investigator or the clerk**

## Template 4b - Guidance notes for drafting response letter following a stage 2 investigation.

The investigating governor should draft the letter, noting any procedural advice from the clerk. The aim of this letter is to outline the outcomes of the investigation and the recommendations and NOT to include excessive detail about the investigation itself e.g., including attributable quotes which may be challenged or summaries of conversations which not all parties were privy to and may be misleading.

The investigating governor should:

- Clearly outline the scope of the stage 2 investigation, including summary details of:
  - Who they met with and when.
  - Key documents, including any school policies that were considered, e.g. the Complaints Policy.
  - Any relevant background information that was taken into consideration.
- Briefly summarise the key points of the complaint.
- For each of these points, the Investigating Governor should outline a response, based upon the findings from their investigation.
- For each of these points, the Investigating Governor should also clearly specify (in **bold**) whether they have been **upheld, partially upheld or not upheld**.
- The Investigating Governor should outline agreed recommendations or proposed next steps for the school.
- The Investigating Governor should thank the complainant for taking the time to raise their complaint/concerns.
- The Investigating Governor should close the letter by outlining any next steps, should the complainant feel dissatisfied with the outcome of the investigation and wish to appeal.
- Once proofread by the Clerk, the Investigating Governor should send a copy of the letter to the complainant, Chair of Governors and Headteacher.

**Note - should an independent governor have been appointed to support a Stage 2 investigation, the draft letter should be shared with the GCS Team for quality assurance before this is issued to the complainant.**

Please note that the GCS Team are available for advisory support and can be contacted at [governors@eastsussex.gov.uk](mailto:governors@eastsussex.gov.uk). This can include checking letters before they are sent.

### **Additional Guidance - process for the Investigating Governor to feedback recommendations for the school/Board:**

- As output of the Stage 2 investigation, the outcome letter will typically include high level recommendations for the school and/or Board.

- However, the investigating governor may wish to share more detailed information of their recommendations, in order to help the school/Board to formulate an appropriate action plan.
- The following table is therefore a useful template for outlining these recommendations in more detail:

Recommendation	Additional Context	Proposed Action to Address
1.		
2.		
3.		
4.		

## Template Letter 5 - Acknowledgement of Stage 3 complaint received

- If a complaint has been through stages 1 and 2 (or 2 if about the Headteacher) then the following letter should be sent within 5 school days of receipt.

Dear

I am writing further to your letter dated XXXX concerning your request for your complaint to be heard by a Governing Board Stage 3 Panel.

*If the reasons why the complaint hasn't been resolved at stage 2 aren't clear or it isn't clear what outcome the complainant is seeking the following paragraph can be used:*

I would be grateful if you could confirm the following information:

- *The nature of your complaint and how the previous stage did not address your complaint sufficiently \**
- *Any evidence appropriate to your complaint \**
- *What outcome you would like to see \**

*\*delete as appropriate.*

Once I have the above information, I will arrange a time and date for the Governing Board Panel. This will usually be within 15 school days from today, however should further investigations be necessary a new time limit will be set of which you will be advised.

In the meantime, I have enclosed a copy of the school's complaints policy and procedure for your information. I can be contacted via the following email address <EMAIL>.

Yours sincerely

Clerk to the Governing Board

## Template Letter 6 - Letter inviting complainant to Governing Board Stage 3 Panel meeting

- *This letter should be sent once the panel date is convened. It's always suggested that this date is agreed informally with the governors and complainant. It is the right of the stage 3 panel to convene at their convenience rather than that of the complainant and reach a conclusion in the interests of drawing the complaint to a close, although obviously reasonable attempts should be made to arrange a date which is convenient to all including the complainant*

Dear

Further to our correspondence I can confirm that a Governing Board Stage 3 Panel has been convened in line with stage 3 of the school's Complaints Policy and Procedure, following your request of <DATE>, due to your dissatisfaction with the Stage 2 investigation undertaken by <THE CHAIR OF GOVERNORS NAME>. The panel has been convened for <DATE / TIME>, at <LOCATION>.

The panel will consist of 3 members and will be chaired by <NAME>. The Governing Board panel will consider all stages of your complaint to ensure there is a comprehensive independent review of the entire complaint. If a new issue arises the panel will use its discretion to decide if it is appropriate to consider and comment upon it.

You will have the opportunity to make representations to the panel. You may also be accompanied by a friend or representative, however this should not be a legal representative as the panel is not a legal hearing. If you intend to be accompanied, please let me know for us to accommodate on the day.

Please advise if you have a disability or any special needs which would affect your ability to attend a meeting at <LOCATION>. Also, please inform me if it would be helpful for you to have an interpreter present.

At the meeting the Chair will explain the order of proceedings.

If you wish to make any further written representations, other than the documentation that you have already provided, then this should be forwarded via email to <EMAIL ADDRESS> by < DATE / TIME 6 SCHOOL DAYS BEFORE PANEL DATE> so that it may be circulated in advance to the members of the Panel and to all parties. Any papers received after this date cannot be considered as evidence by the panel. Please also advise of any witnesses you may wish to bring along to the meeting.

Yours sincerely

Clerk

**Template 7 - Proposed agenda for panel meeting**

- *Consider whether it may be appropriate to add a timeframe for the meeting to manage expectations regarding the presentation by the complainant / school representative*

**Governing Board Stage 3 Panel Hearing Agenda  
DATE / TIME at LOCATION**

Complainant(s):               **NAME(S)**  
 School Representative(s): **NAME(S)**  
 Chair of Panel:               **NAME**  
 Panel Members:              **NAME(S)**  
 Clerk:                               **NAME**  
 Complainant Witnesses:   **NAME(S)**  
 School's Witnesses:       **NAME(S)**

1. All parties will introduce themselves. The chair will outline the process and clarify the remit of the panel. The chair will confirm with all participants that the meeting is not being recorded and ask all participants to confirm that they are not using a recording device.
2. The complainants are invited to explain the complaint.
3. The school representative and panel will then direct questions to the complainants.
4. The school representative will respond to the complaint.
5. The complainants and panel will then direct questions to the school representative.
6. The school representative will be invited to submit any additional comments.
7. The complainants sum up their complaint.

**The Complainants and School Representative will then leave the meeting.** The panel will then consider the evidence. The Panel will communicate their findings to all parties concerned within 10 school days.

**If it is not appropriate for all parties be in the same room during this process please contact Governor Services for additional support and advice on an alternative agenda.**

### Template 8 - Template for pack to be sent to all parties

- *Documents need to be sent to all parties, in some cases you will need to consider the confidentiality aspect and statements / reports may need to be redacted. It may be that the panel would receive a full copy of items, whereas the complainant a redacted version. This should be considered by the chair and clerk. All parties should receive the pack 5 school's days before the meeting. Documents can be embedded in the 3<sup>rd</sup> column.*

### Governing Board Stage 3 Panel

1.	Letter to <COMPLAINANT(S)> dated <DATE>, advising of date for Complaint Panel Hearing.	
2.	Complaint Panel Hearing agenda.	
3.	<SCHOOL NAME> School's Complaints Policy and Procedure	
4.	Request for Governing Board Stage 3 Panel	
5.	Information regarding complaint from <COMPLAINANTS> <ul style="list-style-type: none"> <li>• ITEM 1</li> <li>• ITEM 2</li> </ul>	
6.	Information regarding complaint from <SCHOOL NAME> <ul style="list-style-type: none"> <li>• ITEM 1</li> <li>• ITEM 2</li> </ul>	

## Letter Template 9a - Response letter following meeting

Private and Confidential  
COMPLAINANT

DATE

Dear

Thank you for attending the Governing Board Stage 3 Panel meeting on **DATE** at **LOCATION**, regarding your complaint (*add detail of complaint / school name*)

The panel considered the evidence presented by yourself and the school and are writing to inform you of the outcome.

### Complaint:

- *Summarise the complaint and the panel's findings, evidencing these from the evidence presented.*
- *Include whether the complaint is upheld or not upheld or partially upheld*
- *Include any recommendations the panel is making*

### Next Steps:

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3 of the process.

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

The complainant can refer their complaint to the Department for Education online at: [Complain about a school: State schools - GOV.UK](#), by telephone on: 0370 000 2288 or by writing to:

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

Yours sincerely

## Panel Chair

### Letter Template 9b - Guidance notes for drafting the response letter following meeting

The **Panel Chair should draft the letter**, noting any procedural advice from the Clerk. All panel members, along with the Clerk, should carefully review the draft letter before issuing the final copy. The GCS Team are available for advisory support as needed.

The aim of this letter is to outline the outcomes of the panel and the recommendations and NOT to include excessive detail about the events of the panel itself e.g., including attributable quotes which may be challenged or summaries of conversations which not all parties were privy to and may be misleading.

The Panel Chair should:

- Thank the complainant for attending the hearing on XX/XX/XXXX date.
- Clearly outline the key data points that the panel considered, which may include:
  - The format and method of the previous Stage 2 investigation.
  - Any correspondence that had been received from the complainant or issued by the school in response to the complaint.
  - Key documents, including any school policies that were considered, e.g. the Complaints Policy.
  - The statement of complaint from the complainants.
  - The management statement of case from the school in response to the complaint.
  - Statements from any other participants, e.g. the Investigating Governor.
- The Panel Chair should briefly summarise the key points raised in the complaint.
- For each of these points, the Panel Chair should outline a response, based upon the findings from their investigation
- For each of the points, the Panel Chair should also clearly specify (in **bold**) whether they have been **upheld, partially upheld or not upheld**.
- The Panel Chair should outline any key insights, recommendations or proposed next steps for the school.
- The Panel Chair should thank the complainant for taking the time to raise their complaint/concerns.
- The Panel Chair should close the letter by outlining any next steps, should the complainant feel dissatisfied with the outcome of the investigation and wish to appeal.

- Once proofread by all of the panel members and Clerk, the Panel Chair should send the final draft of the letter to the Clerk. The clerk will distribute this to the complainant and Chair of Governors.

**Note** - should an independent governor have been appointed to support a Stage 3 hearing, the draft letter should be shared with the GCS Team for quality assurance before this is issued to the complainant.

The GCS Team are available for advisory support as needed and can be contacted at [governors@eastsussex.gov.uk](mailto:governors@eastsussex.gov.uk).

**Additional Guidance** - process for the Panel Chair to feedback recommendations for the school/Board:

- As output of the Stage 3 Complaints hearing, the outcome letter will typically include high level recommendations for the school and/or Board.
- However, the investigating governor or panel chair may wish to share more detailed information their recommendations, in order to help the school/Board to formulate an appropriate action plan.
- The following table is therefore a useful template for outlining these recommendations in more detail:

Recommendation	Additional Context	Proposed Action to Address & Suggested Timeline
5.		
6.		
7.		
8.		

**Letter Template 10 - Letter for serial and persistent complaints (where the school considers the complaint has previously been fully dealt with)**

Dear

I am writing further to your letter dated <DATE> concerning your complaint (*insert details of complaint*).

Having considered your letter I am advising you that the issues raised have been fully investigated through the school's complaints policy. As such I am advising you that the procedure has been completed and the school considers that the matter is now closed. Should you choose to contact the school again in connection with these issues, the complaint will be viewed as serial and persistent and the school will choose not to respond to these matters.

As previously advised, if you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education (DfE), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Yours sincerely

**Chair of Governors**