



CREATING A CLIMATE FOR GREAT LEARNING,
SUCCESS AND OPPORTUNITY

Benton Park School

Complaints Policy and Procedure

2023

Approved by:	Full Governing Body on 20 December
Responsible Officer:	HR Director
Review Date:	December 2024

School Complaints Policy and Procedure

Version Control

Current Version	Previous version	Summary of Changes made
2023	2022	<p>Complete review, Includes reference to vision and values Purpose and scope, specifically stating it is not limited to parents/carer Early reference in the policy on what is a concern or a complaint Clarification and sign posting in the policy the complaints which fall the procedure fall outside of the policy Legislation and equality and diversity statement, Timescales clarification -complaints to be raised within 3 months of the incident Specifying roles and responsibilities in the policy Communications section in the policy 48 hours response to telephone calls Year email addresses for comments, compliments and concerns Added sections on Anonymous, unreasonably persistent, duplicate, campaigns, withdrawal of a complaint and a revised complaints form The informal procedure references contact via the year email, stage 1 has not changed in procedure just a review of the wording, stage 3 has changed and does reference hearing the report of the IO although not a rehearing</p>

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SCHOOL COMPLAINTS POLICY STATEMENT

At Benton Park School we have a clear and strong vision to create a climate for great learning, success and opportunity for our students, which is driven by our very high expectations, standards and aspirations for all within our community.

In order to achieve our vision, our work is underpinned by our five key values: Endeavour, Resilience, Inspiration, Collaboration, and Compassion.

Our values run through all aspects of school life and in pursuing these values we are committed to building a cohesive, collaborative school community.

We welcome feedback when people feel we have performed well, when people feel we can improve and when people feel we haven't done something well. This will help us continue to learn, develop and improve.

As a school we recognise it is in everyone's interest that complaints are resolved at the earliest possible stage. We value good home and school relationships and believe many issues can be resolved informally, without the need to follow formal procedures.

At Benton Park we take concerns seriously and make every effort to resolve the matter in a timely manner. There may be occasions when complainants want to raise their concerns formally. This policy outlines the procedure relating to the handling of such complaints and for ease of use a template complaint form is included at the end of the procedure.

Purpose and scope

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Benton Park School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

As a school we adhere to the best practice guide for schools' complaints procedure and the difference between a concern and a complaint

- A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

The aim of this policy and procedure is to:

- be simple to understand and use, enabling concerns and complaints to be dealt with informally where possible
- be impartial and non-adversarial, aiming to address all the points at issue and providing an effective and prompt response
- facilitate a full and fair investigation, respecting the complainants desire for confidentiality
- keep complainants informed on the progress of their complaint, advising on any escalation options throughout the process
- provide information to the school's senior leadership team and the governing body so that services can be continually developed and improved

This procedure covers all complaints about any provision of community facilities or services by Benton Park School, other than complaints that are dealt with under other statutory procedures, listed below:

Complaints outside of the scope of this policy and procedure

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals 	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Leeds Local Authority.
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Benton Park School 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.

Legislation and Guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

Time scales

The complainant must raise the complaint within 3 months of the incident or where a series of associated incidents have occurred, within 3 months of the last incident.

The school will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point the school cannot meet the timescales set out in this policy, new time limits will be set with the complainant and the details confirmed of the new deadline and reason for the delay

Roles and Responsibilities

The Executive Headteacher/Headteacher

The Executive Headteacher/Headteacher is responsible for ensuring there is a consistent approach to managing and resolving concerns and complaints and that the School adheres to legal and statutory requirements. The Executive Headteacher/Headteacher must ensure that concerns and complaints are logged, managed and resolved quickly and effectively, learning points captured and appropriate actions taken, reviewing our policies and practices accordingly.

The Governing Body

The Governing Body is responsible for the approval of this procedure and ensuring that all concerns and complaints are monitored and reviewed on a regular basis and ensure that appropriate actions have been taken to resolve any issues raised, whilst also monitoring the action the school takes to improve services.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 2 of the procedure.

Leaders and Managers

Leaders and Managers are responsible for responding to concerns and complaints swiftly, fairly and consistently in line with this procedure. They must ensure that all concerns and complaints are logged and acknowledged and they must investigate issues discreetly, thoroughly and quickly, accessing support, guidance as and when required.

Equality and Diversity

At Benton Park School, we share a commitment to equality, diversity and community cohesion across all sections of our school community.

Whilst complaints are usually made in writing, in accordance with equality law, we will consider making reasonable adjustments if required to assist complainants in raising a formal complaint for instance providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Communications

Benton Park School is committed to providing timely and informative information throughout the year in the format of written reports, newsletters and one to one appointment. We recognise that there may be times when parents need to communicate with the school outside of these.

Telephone calls will be acknowledged within 48 hours during term time but not over a weekend. A different member of staff may return your call due to availability or they are better placed to deal with any questions/concerns

The use of email has increased as the preferred method of contact and it is often difficult to distinguish between formal and informal communications. As a school our aim is to deliver high quality teaching and learning alongside comprehensive pastoral support. We do not expect staff to monitor and manage their inbox during lessons, this is why we ask that all correspondence goes via a central point rather than directly to a member of staff. The central email addresses for all comments, compliments and concerns are below for each Year Group.

- Year7@bentonpark.net
- Year8@bentonpark.net
- Year9@bentonpark.net
- Year10@bentonpark.net
- Year11@bentonpark.net
- ks5progressleaders@bentonpark.net

Formal stage 1 complaints should be emailed to secretary@bentonpark.net and they will be acknowledged in 2 school days and on receipt of the completed complaints form, a full response normally in 15 school days, however this may include informing the sender that more time will be required to provide a full response depending on the nature of the concern or complaint. **Please note that the email addresses are not monitored outside of normal working hours this includes weekends and published school holidays.**

All communications must respect the dignity of the recipient. Whilst rare complainants are reminded, any disagreement with the school should not be expressed inappropriately or in front of students, communication with our staff should not intimidate, or be considered abusive.

Benton Park School will take any further necessary action to protect staff and students and prevent a reoccurrence where this expectation is not met by parents/carers or visitors.

Anonymous Complaints

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

Unreasonably Persistent Complaints

Most complaints raised will be valid, and therefore the school will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary
- Stop responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again.

Complaint Campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Resolving Complaints

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently 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.

Withdrawal of a Complaint

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

All school staff and members of the governing body, will receive a copy of this policy statement and will be familiar with the school's procedures for dealing with parental concerns and complaints, to which they will have access as required. The policy is publicised on the school website and is available on request to parents.

The school's procedures will be reviewed regularly and updated as necessary. Staff and governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as the office staff or members of the governing body.

SCHOOLS COMPLAINTS PROCEDURE

How to Raise a Concern or Make a Complaint

It is hoped that the majority of can be expressed and resolved on an informal basis. It may be that the provision of information or clarification of information will resolve the issue. The procedure is divided into the following three stages:

Informal Stage

The Informal stage aims to resolve the concern through informal contact at the appropriate level in school in the first instance.

Many concerns will be dealt with informally when you make them known to us. The first point of contact should be via the year inbox email address:

- Year7@bentonpark.net
- Year8@bentonpark.net
- Year9@bentonpark.net
- Year10@bentonpark.net
- Year11@bentonpark.net
- ks5progressleaders@bentonpark.net

If you are unclear who to contact in the first instance or how to contact the appropriate member of staff please email secretary@bentonpark.net. Please note it is not normally appropriate for the Executive Headteacher/Headteacher to respond at this stage and the concerns will be referred to the appropriate member of staff to contact you.

We will acknowledge receipt of your concern within 2 school days and aim to respond to you within **15 school days**. If it is not possible to respond to you within 15 school days we will ensure you are up-dated on the progress of our enquiries.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 1 - Formal Consideration of Your Complaint

Where an individual has raised a concern with a member of staff and it is not resolved informally it can be escalated to a formal response stage.

The complainant will be asked to submit their complaint in writing using the complaints form at **appendix 1**, providing details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. The email address for complaints and assistance in raising a complaint is secretary@bentonpark.net.

If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the designated member of staff who will make a written note of the complaint and agree it with the complainant.

Normally, the written complaint should be addressed 'For the attention of the Headteacher'. If the complaint concerns the Headteacher personally, it should be addressed 'For the attention of the Executive Headteacher. If the complaint concerns the Executive Headteacher personally it should be marked "For the attention of the Chair of Governors"

If the complaint is about the Executive headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed as the designated Investigating Officer to complete all the actions at Stage 1

We will record the date the complaint is received and we will acknowledge receipt of your concern within 2 school days. We will enclose a copy of these procedures with the acknowledgement and a request to complete the complaints form if you haven't completed it.

The Headteacher (or designated member of the senior leadership team appointed as Investigating Officer) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. The Headteacher (or designated Investigating Officer) will consider whether a face to face meeting is the most appropriate way of doing this.

If you are invited to a meeting to discuss the complaint and you wish to be accompanied at the meeting you should inform the school of the identity of your companion in advance of the meeting.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify you as soon as they are aware, so that you have the opportunity to arrange alternative accompaniment. The Headteacher (or designated Investigating Officer) will then conduct their own investigation. The written conclusion of this investigation will normally be sent to the complainant within 15 school days. If it is not possible to respond to you within 15 school days we will confirm the new deadline and reason for the delay.

If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage 2, as described below.

Stage 2 - Consideration by a Governors Appeal Panel

If you are dissatisfied with the way in which your complaint has been handled at Stage 1, you will be offered a further and final right of review to a specially convened panel of governors

This is a formal process, and the ultimate recourse at school level and only when Stage 1 has been completed. Your request for a review should be lodged with the Chair of Governors within 10 school days of receiving the School's response to your initial complaint. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The panel will consider the way the complaint has been investigated and handled by the school (or Governor if it is about the Executive Headteacher). The panel will carry out a review of the investigation carried out at formal stage one. It will hear the findings of the investigating officer at stage one and any submissions on those findings by the complainant. The review should not entail a rehearing of the case. However, there should be a consideration of the facts of the case and a view formed of whether the complaint has been investigated fully and fairly.

The Governors Appeal Panel operates according to the following formal procedures:

1. The Governing Body will convene a panel of three governors with no prior involvement in the complaint and will aim to arrange for the panel meeting to take place within 20 working days of receiving your request to review the process.
2. The Governing Body will decide whether to deal with the complaint by inviting parties to a meeting or through written correspondence but in making the decision will be sensitive to the complainants needs.
3. You will be asked whether you wish to provide any further written documentation in support of your appeal.
4. The Executive Headteacher, Headteacher or Investigating Officer will be asked to prepare a report for the panel. The panel can request additional information from other sources if necessary.

5. If you are invited to attend the meeting, you will be informed, at **least 5 school days** in advance, of the date, time and place of the meeting. We hope you will feel comfortable with the meeting taking place in the school but we will do what we can to make alternative arrangements if you prefer. Please note the meeting may be conducted virtually in the interests of ensuring that all parties are able to attend at a mutually convenient time. If you reject the offer of 3 proposed dates without good reason, a date will be set and the hearing will go ahead using written submissions from both parties.
6. Please note that complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
7. With the letter, you will receive any relevant correspondence or reports regarding Stage 1 and you will be asked whether you wish to submit further written evidence to the panel.
8. The letter will explain what will happen at the panel meeting and that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. You should inform the school of the identity of your companion in advance of the meeting. We do not encourage either party to bring legal representatives to the meeting but will consider it on a case by case basis.
9. Representatives from the media are not permitted to attend
10. If it is necessary in the interests of the ratifying the investigative process, the Investigating Officer may, with the agreement of the Chair of the Panel, invite relevant witnesses directly involved in matters raised by you to attend the meeting.
11. The Chair of the Panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
12. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
13. The Chair of the Panel will ensure that the meeting is properly minuted. The meeting will be held in private. Whilst the panel reserves the right to record the meeting for the purpose of creating accurate minutes, other electronic recordings of meetings or conversations are not normally permitted unless considered a reasonable adjustment for the complainant. Minutes are not automatically shared and remain the property of the governing body
14. Normally, the written outcome of the Panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the Minutes it would be helpful if you could indicate this in advance of the meeting.
15. During the meeting, you can expect there to be opportunities for:
 - The Panel to hear you explain your case and your argument for why it should be heard at Stage 2;
 - The Panel to hear the case in response;
 - you to raise questions via the Chair;
 - you to be questioned by the Executive Headteacher/Headteacher or Investigating Officer through the Chair;
 - the panel members to be able to question you and the Executive Headteacher/Headteacher or Investigating Officer.
 - you and the Executive Headteacher/Headteacher or Investigating Officer to make a final statement.

16. In closing the meeting, the chair will explain that the Panel will now consider its decision and that written notice of the decision will be sent to you and the Executive Headteacher/Headteacher within 5 school days. All participants other than the Panel and the Clerk will then leave.
17. The Panel will then consider the complaint and all the evidence presented. The Panel can:
 - Uphold the complaint in whole or part
 - Dismiss the complaint in whole or partIf the complaint is upheld in whole or part, the panel will:
 - decide on the appropriate action to be taken, to resolve the complaint;
 - where appropriate, recommend changes to the School's systems or procedures prevent similar issues in the future
18. The Chair of the Panel will send you and the Executive Headteacher/Headteacher a letter outlining the decision of the Panel.
19. We will keep a copy of all correspondence and notes on file in the school's records but separate from students' personal records.

Next Steps

If you remain unsatisfied with the outcome of the school's complaints procedure you can refer your complaint to the Department for Education online at:

www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department of Education
Piccadilly Gate
Store Street
Manchester M1 2WD

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and other statutory policies that the school holds were adhered to. The DfE will also look at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- Failed to act in line with its duties under education Law
- Acted (or is proposing to act) unreasonably when exercising its functions

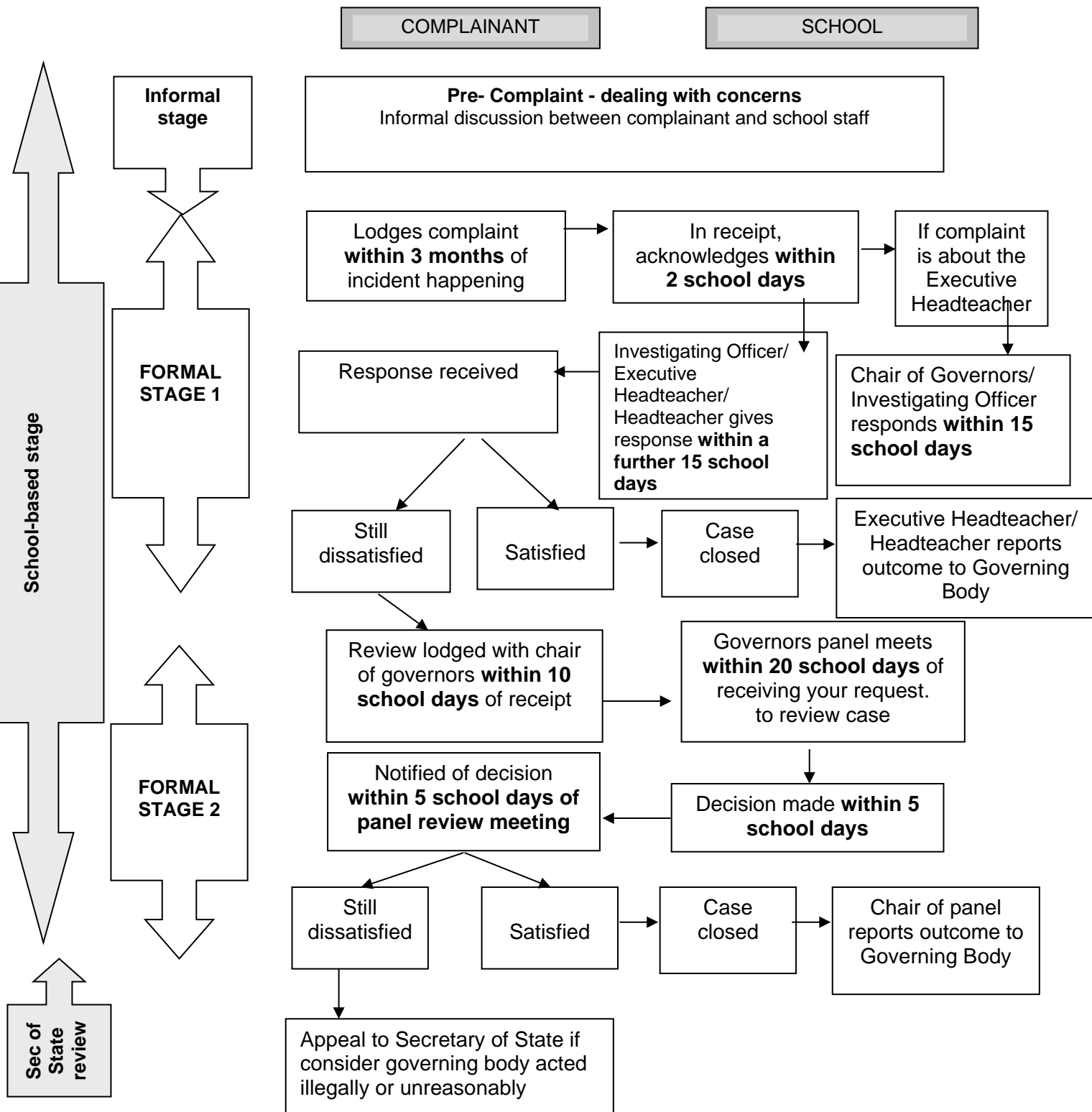
If the complaints procedure is found not to meet regulations, the school will be asked to correct its procedure accordingly

Please enclose with your letter to the DfE a copy of the complaint outcome. This will save time in that the DfE will not need to ask for our view of what has happened.

Other sources of information and advice

If your concern is about an aspect of **special educational needs provision**, which might include information about relevant voluntary organisations and support groups in Leeds, you might like to talk to our **parent partnership service** on their helpline: 0113 395 1200.

Appendix 1: Benton Park School Complaints Procedure: Flowchart



Appendix 2: Benton Park: Complaints Form



Please complete and return to secretary@bentonpark.net. You will receive an acknowledgement of receipt and confirmation of what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint.

What action if any, you have already taken to try and resolve your complaint (who did you speak to and what was their response?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Principles for investigation of complaints, roles and responsibilities

When investigating a complaint, we will try to clarify, what has happened, who was involved and what the complainant feels would put things right.

The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Explain the complaint in full as early as possible and follow these procedures
- Co-operate with the school throughout the process in seeking a solution to the complaint
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed
- Treat all those involved in the complaint with respect
- Do not publish details about the complaint on social media and respect confidentiality

The Investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive response to the headteacher or complaints committee, which includes the facts and potential solutions

The Complaints Co-ordinator

The complaints co-ordinator can be the headteacher or any other staff member providing administrative support. The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk
- Keep records and provide administrative support in place of a clerk to the governing body, however governance and regulatory advice will be sought from a clerk as required.
- Be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person

Committee Chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

Committee Members

Committee members should be aware that:

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