



Leytonstone SCHOOL

Resilience Empathy Achievement Community Honesty

Complaints Policy

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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at Leytonstone School. Any person, including members of the public, may make a complaint to the School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see table on page 4), we will use this complaints procedure.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If you need help in addressing a concern or making a complaint, please contact the school office who will be able to advise you.

The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Most issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The school takes concerns/complaints very seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that after having sought informal resolution, there are occasions when people would like to raise their complaints formally. In this case, the school will attempt to resolve the issue, through the formal stages of the procedure outlined in this policy.

How to raise a concern – your initial contact with the School

- Concerns can be raised in person, in writing or by telephone and should be raised in the first instance with your child's Form Tutor or Head of Year
- Concerns from members of the public should be raised with the Deputy Headteacher for Behaviour in the first instance
- Contact will be made as soon as possible after the concern is shared with the school. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for the issue raised.
- Where appropriate, you may be invited to an informal meeting with the member of staff dealing with the concern
- The complainant will be updated on the progress and outcome of the concern, which may be put in writing if appropriate
- If the issue remains unresolved, the next step may be to make a Stage 2 formal complaint

How to make an informal complaint – your initial contact with the School

- Complaints (informal) can be made in person, in writing or by telephone and should, in the first instance, be raised with your child's Head of Year, or the Deputy Headteacher for Behaviour for members of the public
- It is very important that the nature of the complaint is clearly explained and the outcomes you are expecting are identified
- Contact will be made as soon as possible after the complaint is shared with the school – all members of staff know how to refer, if necessary, to the appropriate person with responsibility for the issue raised

- Where appropriate, you may be invited to an informal meeting with the member of staff dealing with the complaint
- The complainant will be updated on the progress and outcome of the complaint
- If the issue remains unresolved, the next step will be to make a Stage 2 formal complaint

Complaints about the conduct of school staff (except the Headteacher) should be made via email to complaints@leytonstoneschool.org or in writing via the school office FAO: Complaints Co-ordinator. If appropriate, the matter may then be dealt with under the school's disciplinary policy. In this case complainants will be advised that the matter is being dealt with, but outcomes will not be shared with them.

Complaints about the conduct of the Headteacher, Chair of Governors, any individual governor or the whole Governing Board should be raised under Stage 2 of the policy and addressed to the 'Clerk to the Chair of Governors' via Waltham Forest Governor Services. Please mark as 'Private and Confidential'

N.B. 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 3 of the procedure.

Anonymous complaints

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

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

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

| Exceptions | Who to contact |
|---|--|
| <ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the London Borough of Waltham Forest.</p> <p>https://www.walthamforest.gov.uk/</p> |

| | |
|---|--|
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>safeguardingineducation@walthamforest.gov.uk 020 8496 3646</p> |
| <ul style="list-style-type: none"> • Exclusion of children from school* | <p>Further information about raising concerns about suspension can be found at: https://www.gov.uk/government/publications/schoolexclusion</p> <p><i>*complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.</i></p> <p>https://www.leytonstoneschool.org/page/?title=Policies+%26amp%3B+Documents&pid=14</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 directly 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 | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| <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 | <p>Providers should have their own complaints procedure to deal with complaints about service; please contact them directly.</p> |
| <ul style="list-style-type: none"> • National Curriculum - content | <p>Please contact the Department for Education at: www.education.gov.uk/contactus</p> |

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 Leytonstone 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.

Resolving complaints

The aim of the complaints procedure is 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 reoccur
- 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.

Stages in the Complaints Procedure

Stage 1 – Informal consideration of your complaint

It is the expectation that most concerns and complaints are raised with the School informally (as detailed on pages 2-3) before moving to the formal stages of the procedure.

The underlying premise is that the School/Headteacher should have prior knowledge of a concern or complaint before it reaches the formal stage and have been given the opportunity to resolve the issue informally.

Example exceptions would be:

- When the complaint is about the conduct of the Headteacher
- When the complaint is of such a serious nature that informal consideration is not appropriate

Stage 2 – Formal consideration of your complaint

Formal complaints must be made via email to complaints@leytonstoneschool.org or in writing via the school office FAO: Complaints Co-ordinator, preferably using the complaint form provided at the end of this policy. This includes complaints about the conduct of school staff (except the Headteacher) which, if appropriate, may then be dealt with under the school disciplinary policy.

It is very important that complainants include:

- A clear indication that the complaint is being made formally
- A clear explanation of the complaint

- Details of how the matter has been dealt with so far
- The names of potential witnesses, dates and times of events and copies of all relevant documents that could aid the investigation
- A clear statement of the actions that the complainant would like taken to resolve the complaint

The Complaints Co-ordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. A copy of/link to the school's complaints procedure will be provided.

If not clear from the complaint submitted, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation
- at the conclusion of their investigation, provide a formal written response within 10 school days of the date of receipt of the complaint – if it is not possible to meet this deadline, they will provide the complainant with an update and revised response date
 - the response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it – where appropriate, it will include details of actions the school will take to resolve the complaint
- the Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2

Complaints about the Headteacher or a member of the Governing Board should be addressed to 'The Clerk to the Governing Board' via Waltham Forest Governor Services and marked 'private and confidential'. A suitably skilled governor will then be appointed to complete all the actions at Stage 2.

Complaints that are jointly about the Chair and Vice Chair, the entire Governing Board or the majority of the Governing Board should be addressed to 'The Clerk to the Governing Board' via Waltham Forest Governor Services marked 'private and confidential'. Stage 2 will then be considered by an independent investigator appointed by the Governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response via Governor Services.

Stage 3 – Consideration by a Complaints Review Panel

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – consideration by the Governing Board's complaints committee. A panel will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made in writing within 7 school days of receipt of the Stage 2 response, to complaints@leytonstoneschool.org or submitted in writing to the school office FAO: Complaints Co-ordinator. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The School will record the date the request is received and acknowledge receipt of the request in writing (either by letter or email) within 5 school days.

The School will write to the complainant to inform them of the date of the meeting. It will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the school will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the meeting will proceed in the complainant's absence, based on written submissions from both parties.

The complaints panel will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Panel.

If there are fewer than three governors from Leytonstone School available, the Clerk will source any additional, independent governors through another local school or through the LBVWF Governor Services. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

Upon forming a panel, the Clerk will advise the panel members of the complaint nature. The committee will then decide whether to deal with the complaint by inviting parties to a meeting or through written representations. However, in making their decision, they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. 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).

Representatives from the media are not permitted to attend.

As soon as reasonably possible, the School will:

- confirm and notify the complainant, the Headteacher and the panel of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further material to be submitted at least 7 school days before the date of the meeting

Any written material must be circulated to all parties at least 5 school days before the date of the meeting.

The complainant should include all details and documentation pertaining to Stage 1 and 2 of the procedure and include a clear statement as to the basis on which they would like to move to Stage 3 of the process

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint or complaint process to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee 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 committee will:

- decide on the 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 of the Committee will provide the complainant, the Chair of Governors and the School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The response will also advise the complainant of how to escalate their complaint to the Department for Education if they are dissatisfied with the way in which their complaint has been handled.

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.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Leytonstone School. They will consider whether the School 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: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Complaint campaigns

If the school becomes a focus of a campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

Then a separate procedure will apply which will involve:

- sending a template response to all complainants
- publishing a single response on the school's website

Managing serial and unreasonable complaints

Leytonstone School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Leytonstone School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

In these circumstances the School/Governing Board may deviate from the published complaints procedure.

Complainants should try to limit their communication with the school to that which relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change their behaviour.

For complainants who excessively contact Leytonstone School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 Leytonstone School.

APPENDIX 1. Complaint Form

Please complete and return to the Headteacher/ Chair of Governors who will acknowledge receipt and explain what action will be taken.

| | |
|--|--------------|
| Your name: | |
| Pupil's name (if relevant): | |
| Your relationship to the pupil (if relevant): | |
| Address: | |
| Postcode: | |
| Telephone Number: | |
| Email Address: | |
| Please give details of your complaint, including whether you have spoken to anybody at the school about it: | |
| 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: | |

APPENDIX 2. Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school 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
- refrain from publicising the details of their complaint on social media and respect confidentiality

Investigator (if one is used)

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or Governing Board, or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The Headteacher or Governing Board or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure

- collate any written material relevant to the complaint (for example; stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- be aware of issues regarding:
 - sharing third party information
 - additional support
 - keeping records

N.B that if the complaint is about the Headteacher or a member(s) of the Governing Board then the complaints co-ordinator role may be undertaken by the Clerk to the Governing Body via Waltham Forest Governor Services.

Clerk to the Governing Body

The Clerk should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- 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
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR
- 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
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- 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
- the meeting is minuted
- they liaise with the Clerk and the Complaints Co-ordinator

Committee Member

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
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that 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 will often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a pupil and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the pupil does not feel intimidated
- the committee should respect the views of the pupil and give them equal consideration to those of adults
- if the pupil is the complainant, the committee should ask in advance if any support
- the welfare of the pupil is paramount

APPENDIX 3

Procedure for the meeting

Below illustrates the recommended procedure for a complaints panel hearing. Panel members may ask questions at any time during the meeting:

- the chair opens the meeting, introduces all parties, and explains the procedure to be followed
- the complainant (or representative) can present their case, including calling any witnesses
- the school presents its case, including calling any witnesses
- the school sums up its response
- the complainant sums up their case and explains what they want to happen as a result of the complaint
- all parties withdraw
- the panel considers the parties' cases and makes a decision
- with the clerk, the panel drafts a decision letter

Conducting the interviews

Interview the complainant and the school together

It is important for both parties to hear what the other has said, rather than the panel having to relay this in its own words. That said, there is nothing to stop the panel from interviewing both parties separately if it decides that it is more appropriate.

Interview all other witnesses separately

Though it is not set out in the DfE guidance, it is best practice to only have witnesses in the room for their own testimony. This is to:

- Maintain confidentiality
- Keep witnesses from being influenced by other witnesses' testimony

Any questions in the meeting should come from the panel

In order to keep the procedure non-confrontational, any questions in the meeting should come through the panel rather than the parties involved.

If either the complainant or the school has questions to ask about the evidence, they should submit those questions to the panel ahead of the meeting where possible. The DfE explained that this was to avoid either party feeling as if they are being 'cross examined' but the panel should allow reasonable discussion through the meeting.

APPENDIX 4

Flowchart of complaints process

Stage 1

Concern or Complaint raised informally

Stage 2

Formal complaint received

School acknowledges within 5 school days

Reviewed by Headteacher

Conclusion of investigation with formal response within 10 school days (where possible)

Stage 3

Request to go to stage 2 within 7 school days

School acknowledges within 5 school days

Set up of meeting for the panel and complainant within 20 school days giving at least 7 days' notice

Written material to be submitted to all parties within five school days of the meeting

Decision relayed to complainant within 10 school days