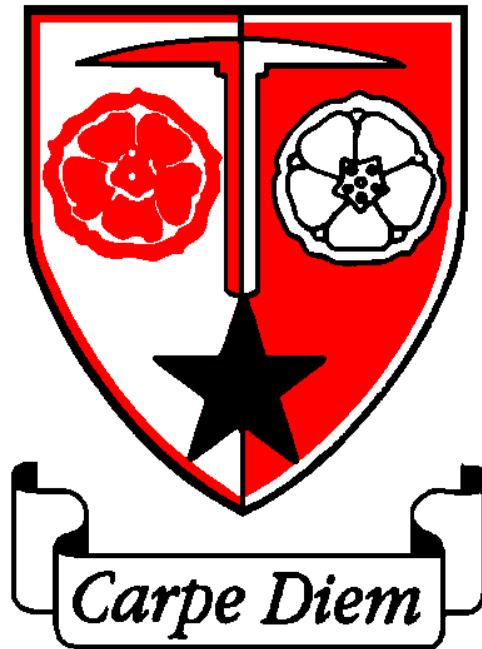


# Audenshaw School



## Complaints Procedure

This policy is reviewed every two years by the Personnel Committee.

### History of Document

Issue No	Author/Owner	Date Written	Approved by Personnel	Received by Governors	Comments
Issue 1.7	Deborah Patel	18/07/2019	09/03/2020	08/03/2020	Minor amendments
Issue 1.8	Sarah Monks	01/07/2020	15/10/2020	14/10/2022	Minor amendments
Issue 1.9	Sarah Monks	17/12/2020	11/02/2021	11/02/2021	Updated in accordance with the Education & Skills Funding Agency Guidelines
Issue 2.0	Sarah Monks	24/01/2023	07/02/2023	07/02/2023	Minor amendments
Issue 2.1	Sarah Monks	25/06/2024	24/10/2024	24/10/2024	Amended to bring the policy in line with the DfE Complaints Procedure for Single Academies

## **OUR MISSION**

Our school aims to provide a quality education in a caring community based on values of respect, responsibility and resilience and a relentless pursuit of excellence in all that we do.

## **OUR VISION**

Our School will be recognised as a fully inclusive, aspirational, high achieving centre of excellence, firmly rooted in the local community.

We will create, develop and maintain a challenging and stimulating personalised learning environment where no student is overlooked or left behind and where teaching and learning is high quality, inspirational and innovative.

We will consistently have high academic standards and expectations for every individual and continue to place considerable value on sport and healthy living and developing strong links with the community.

All members of our school community will be valued and every success will be celebrated.

Our School will maintain a safe, secure and caring environment in which to work and learn.

## **AUDENSHAW SCHOOL SAFEGUARDING STATEMENT**

**This School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.**

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## **PROCEDURES FOR DEALING WITH COMPLAINTS**

Audenshaw School undertakes to provide a friendly and safe environment in which students will be helped to achieve their potential, both academically and socially. The School recognises, however, that sometimes things can go wrong and parents, carers and members of the public may need to make a complaint or raise a concern they have with the School. This Policy confirms what to do if this happens.

For the purpose of this Policy, the “School” is defined as employees, governors, students and third parties such as contractors, agency workers and consultants acting on behalf of the organisation.

### **1. INTRODUCTION**

The School is required to have published a procedure for dealing with complaints, unless separate statutory procedures apply (such as exclusions or admissions). This procedure must provide for complaints to be managed within clear timescales. If initial informal consideration does not resolve the complaint then the procedure must also include steps to escalate a complaint through a written stage and if necessary an appeal hearing before a Panel that includes at least one member who is independent of the School.

The procedure should also set out the details of the process and named individuals who will be responsible for receiving and dealing with the complaint.

The School should ensure parents/carers and students understand all details of the complaints procedure and make complaints information available in other formats (braille, large print, other languages etc).

The School should ensure that parents/carers and students are provided with relevant contact details for the Department for Education (DfE) when a complaint has not been resolved by the School.

The DfE will not usually investigate complaints until the School’s own complaints procedure, including any appeal, has been exhausted. When the DfE has reason to believe that the complaint was made to the School and the School has had reasonable opportunity to investigate and respond but has failed to do so or that there are circumstances which mean it is not reasonable for the matter to be brought to the attention of the School, then the DfE may decide to investigate before the School’s procedure has been exhausted.

Copies of the DfE procedures should be available for parents/carers when requested.

### **2. GENERAL PRINCIPLES**

#### **2.1. Dealing with Complaints - Initial Concerns**

- A clear distinction must be made between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- A concern is noted as an expression of worry or doubt over an issue considered to be important. A complaint is noted as an expression or statement of dissatisfaction about action taken or a lack of action.
- If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, The Complaints Coordinator will refer you to another staff

member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Complaints Coordinator will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

- The procedures under this Policy deal specifically with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.
- The requirement to have a Complaints Policy need not in any way undermine efforts to resolve the concern informally. In most cases a teacher will receive the first approach. Employees should therefore endeavour to resolve issues on the spot, including apologising where necessary.
- It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate.

## 2.2 Dealing with Complaints - Framework

- Complaints procedures will be invoked only when initial attempts to resolve a concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. At this stage a concern will become a complaint.
- The Administration Officer has been nominated to have responsibility for the operation and management of the School complaints procedure and will be referred to in this Policy as the 'Complaints Co-ordinator'.
- A three stage complaints procedure has been adopted under this Policy. A complaint may only progress to the next stage of the procedure, where attempts to resolve the issue have failed. The Complaints Co-ordinator will ensure that these procedures are adhered to.

## 2.3 Framework of Principles

These procedures will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial, all those involved should treat each other with respect at all times.
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality; no details of the complaint should be published on social media;

- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the School's Senior Leadership Team so that services can be improved.

## 2.4 Investigating Complaints

When investigating a complaint, the employee investigating the complaint will ensure that they:

- establish what has happened so far, and who has been involved (including taking statements);
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if further information is necessary);
- allow the complainant to be accompanied if they wish; the person accompanying them should not be a legal representative.
- clarify what the complainant feels would put matters right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; but not by a legal representative.
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

## 2.5 Resolving Complaints

At each stage in the procedure the School will endeavour to resolve the complaint; it may be sufficient to acknowledge that the complaint is valid in whole or in part and in addition, to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review policies in light of the complaint.

Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the School could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## 2.6 Vexatious or Persistent Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted; however, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

If the complainant tries to reopen the same issue, the Chair of the Board of Governors will be able to inform them, in writing, that the procedure has been exhausted and that the matter is now closed.

## 2.7 Anonymous Complaints

An anonymous complaint will not be investigated under this policy unless there are exceptional circumstances.

## 2.8 Time-Limits

A complaint must be raised within 12 weeks of the incident occurring, or in the case of a series of associated incidents, within 12 weeks of the last of these incidents. Complaints made outside of these timescales will only be considered in exceptional circumstances.

Complaints made outside of term time will be considered on the first School day after the break.

Complaints need to be considered, and resolved, as quickly and efficiently as possible; however, where further investigations are necessary, new time limits can be set.

In this eventuality the complainant will be sent details of the new deadline and an explanation for the delay.

## 2.9 Complaints Dealt With Under Other Statutory Procedures

Where another statutory procedure is in place, complaints which fall within that procedure will not be dealt with under the complaints procedure. Examples include, but are not limited to:

School Admissions  
Child Protection  
Exclusions  
Whistle Blowing  
Staff Grievance and Disciplinary matters  
and Assessment of Special Educational Needs.

## 2.10 Closure of complaints

- Very occasionally, the School will feel that it needs, regrettably, to close a complaint where the complainant is still dissatisfied.
- The School will do all we can to help to resolve a complaint against the School but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- If a complainant persists in making representations to the School – to the Principal, designated governor, Chair of Governors or anyone else – or to the local authority, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

- For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process.
- In exceptional circumstances, closure may occur before a complaint has reached stage 3 of the procedures described in this document. This is because a complaints panel takes considerable time and effort to set up and we must be sure that it is likely to assist the process of investigating the complaint.

### **3. AN OUTLINE OF THE FORMAL COMPLAINTS PROCEDURE**

The stages are:

**Stage One:** Informal Complaint - concerns can be heard by class teacher, Head of Year, Curriculum Leader, Senior Leaders, HR Manager or Head of Executive Services.

**Stage Two:** Formal Complaint heard by the Principal.

**Stage Three:** Formal Complaint heard by a Panel of the Board of Governors.

An unsatisfied complainant can always take a complaint to the next stage; however, a complaint cannot progress to a higher stage unless the School has been given the opportunity to deal with the complaint in stages one and two.

### **4. STAGE ONE: INFORMAL COMPLAINTS**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or Principal. 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.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 5 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

### **5. STAGE TWO: FORMAL COMPLAINTS**

Formal complaints must be made to the Principal (unless they are about the Principal), via the Complaints Coordinator Mrs Spencer. This may be done in person or in writing (preferably on the Complaint Form). Email address for communication is [admin@audenshawschool.org.uk](mailto:admin@audenshawschool.org.uk)

The Complaints Coordinator 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.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Principal 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 Principal (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, the Principal will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Principal is unable 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 Audenshaw School will take to resolve the complaint.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Principal, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Principal or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **6. STAGE THREE: COMPLAINT HEARD BY A PANEL OF THE BOARD OF GOVERNORS**

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 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member

who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting 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.

Checklist for Appeal Panel Hearing (see appendix 2)

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.

*Note: 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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant 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 written material to be submitted to the committee at least 3

school days before the meeting.

- Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint 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 and Audenshaw School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Audenshaw School

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 Audenshaw School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Principal.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **7. Next Steps**

If the complainant believes the school / trust 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Audenshaw School. They will consider whether Audenshaw School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## **8. Notification of the Appeal Panel's Decision**

The Panel Chair will ensure that the complainant is notified of the Panel's decision, in writing, with reasons for that decision within 10 School days.

The letter will also provide relevant contact details for the Department for Education (DFE).

## **9. Recording Complaints**

The School will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. Wherever possible, complaints should be made using the School complaints form (Appendix 2).

At the end of a meeting or telephone call, it is important for the member of staff involved to ensure that the complainant and the School have the same understanding of what was discussed and agreed.

A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

When the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant, the person complained about.

The findings and recommendations of the panel will be available for inspection on the School premises by the Chair of Governors and the Principal.

The School will record the action it takes as a result of complaints (regardless of whether they are upheld).

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **10. Managing Serial and Unreasonable Complaints.**

Audenshaw 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.

Audenshaw 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 offer 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 of 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 e-mail, and by telephone while the compliant 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

Complaints should try to limit their communication with the School that relates to their complaint, while the complaint is being processed. It is not helpful if repeated correspondence is sent (either by letter, phone, e-mail or text) as it could delay the outcome being reached.

In the event of continued contact, the Principal will write to the complainant to advise them such. A communication plan specifying methods and numbers of contact may be implemented where necessary.

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 Audenshaw School.

## **11. Board of Governors - Complaints Monitoring**

The Board of Governors will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the Board of Governors will not name individuals.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to School improvement. When individual complaints are heard, the School will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the School and the Board of Governors is a useful tool in evaluating performance.

Complaints data will be reviewed annually.

## **12. Resubmitted Complaints**

The School also reserves the right not to consider a complaint that has been re-submitted with only minor differences after it has addressed the original complaint. If the complainant contacts the School again on the same issue at the end of the full procedure, the correspondence will then be viewed as 'serial' or 'persistent' and the School is unlikely to respond. This is in line with national guidance (2019). The Chair of Governors may inform the complainant in writing that the procedure has been exhausted and the matter is now closed. This School will not take lightly the decision to stop responding. It will only be done when the School believes it has taken every reasonable step to address the concerns in line with policy at each stage.

## **13. Complaint Campaigns**

If the School becomes the focus of a campaign and receives a large number of complaints all based on the same subject or from complainants unconnected to the School, the School will either

send a template response to all complainants or publish a single response on our website. If the complainants remain dissatisfied the School will signpost them to the Department for Education.

#### **14. What the policy does not cover**

Procedure does not cover exclusions, admissions, staff grievances or disciplinary procedures. Complaints against School re-organisation proposals are not part of this procedure. Concerns about statutory assessment of special educational needs should be raised directly with local authorities. Matters likely to require child protection investigation should be handled under the School's child protection and safeguarding policy and in accordance with statutory guidance. Complaints about services provided by other providers who may use the School premises or facilities should be directed to follow the external provider's own complaints' procedure. Complaints about the delivery to RE or Relationships and Sex Education are for Schools to resolve under this procedure.

Where any other statutory procedures are in place, complaints which fall within that procedure will not be dealt with under the complaints procedure. Other examples which are not listed above, but are not limited to:

- School Admissions
- Exclusions
- Whistle Blowing
- Staff Grievance and Disciplinary matters

#### **Complaints about staff conduct**

Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.

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.

#### **15. Publicising the Procedure**

There is a legal requirement for the Complaints Policy to be published and the School's Complaints Policy will be included on the School website.

#### **Appendix 1**

##### **Audenshaw School Complaint Record Form**

Please complete and return to Mrs E Spencer, Complaints Co-ordinator who will acknowledge receipt within three School days and explain what action will be taken. [spencere@audenshawschool.org.uk](mailto:spencere@audenshawschool.org.uk)

**Your Name:**

**Student's Name (if relevant):**

**Your relationship to the Student (if relevant):**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint?**

(Who did you speak to and what was the 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 Whom:*

*Complaint referred to:*

*Date:*

## Appendix 2 - Checklist for an Appeal Panel Hearing

## **Checklist for an Appeal Panel Hearing**

The Panel should take account of the following points:

- ensure that the complainant has had the opportunity to be accompanied by a friend or supporter at the hearing, but not a legal representative;
- the hearing is to be as informal as possible;
- witnesses are only required to attend for the part of the hearing in which they give their evidence;
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- the Principal may question both the complainant and the witnesses after each has spoken;
- the Principal will then be invited to explain the School's actions and call witnesses on behalf of the School;
- the complainant may question both the Principal and the witnesses after each has spoken;
- the Panel may ask questions at any point;
- the complainant is then invited to sum up their complaint;
- the Principal is then invited to sum up the School's actions and respond to the complaint;
- the Panel Chair will then explain that both sides will hear from the Panel within a set timescale;
- both sides will leave together to enable the Panel to decide on the issues, the Clerk will remain with the Panel.