



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 10

#### SCHOOLS

### CHAPTER 2

#### COMPLAINTS: ENGLAND

#### **211 Statements about investigations**

- (1) A Local Commissioner must prepare a written statement in accordance with subsections (2) to (4) if the Local Commissioner—
  - (a) decides not to investigate a matter under this Chapter;
  - (b) decides to discontinue an investigation; or
  - (c) completes an investigation.
- (2) In a case falling within subsection (1)(a) or (b), the statement must set out the Local Commissioner's reasons for the decision.
- (3) In a case falling within subsection (1)(c), the statement must—
  - (a) set out the Local Commissioner's conclusions on the investigation; and
  - (b) include any recommendations the Local Commissioner considers it appropriate to make.
- (4) The recommendations the Local Commissioner may make are recommendations with respect to action which, in the Local Commissioner's opinion, the governing body should take—
  - (a) to remedy any injustice sustained by the complainant in consequence of the act which was the subject of the investigation; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) to prevent injustice being caused in the future in consequence of a similar act.
- (5) The Local Commissioner must send a copy of a statement prepared under this section to—
- (a) the complainant (or, if the complainant is the pupil and the Local Commissioner thinks it appropriate, a parent of the complainant);
  - (b) the respondent; and
  - (c) the governing body, if the respondent is the head teacher.
- (6) If, on consideration of the statement, it appears to the governing body that a payment should be made to or in respect of a person who has suffered injustice in consequence of the act which was the subject of the investigation, the governing body may make such a payment.
- (7) The statement must identify the school concerned.
- (8) The statement must not—
- (a) mention the name of any person; or
  - (b) contain any particulars which, in the opinion of the Local Commissioner, are likely to identify any person and can be omitted without impairing the effectiveness of the statement.
- (9) But, after taking into account the public interest as well as the interests of that person, the complainant and other persons, the Local Commissioner may mention the name of a person, or include in the statement any particulars which are likely to identify the person, if the Local Commissioner considers it necessary to do so.
- (10) Nothing in subsection (8) prevents a statement mentioning the name of, or containing particulars which are likely to identify, the head teacher of the school concerned.