



## **COMPLAINTS PROCEDURE**

### **STAGE 1: Complaint heard by Staff Member**

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. To that end, if members of staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the views were respected of a complainant who indicates they would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints coordinator can refer the complainant to another staff member. Where the complaint concerns the Head teacher, the complaints coordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints coordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the complaints coordinator who would advise them about the procedure. Governors are not expected to act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **STAGE 2: Complaint heard by Head teacher**

The Head teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint. The Head teacher may delegate the task of collating the information to one or more staff members but not the decision on the action to be taken.

### **STAGE 3: Mediation**

In order to provide a "cooling off" period and affect a resolution, the option of mediation should be offered. This would take place with a panel comprising Governors, head teacher and Senior Management Team. Care should be taken to ensure that there was no contamination of participants in the event that the matter was not resolved.



#### **STAGE 4: Governing Body's Complaints Appeal Panel Hearing**

The Governing Body Complaints Appeal Panel will comprise three or five governors, excluding the Chair of Governors and any governor previously involved in the complaint. If five people are on a panel and one person drops out for a valid reason, once the appeal process has begun, the panel may continue with four people and in the event of a tied vote the Chair shall have the casting vote. The Appeal Panel will be supported by a Panel Clerk, who will normally be the Clerk to the Governors. The Appeal Panel will choose its own Chair.

The complainant normally needs to write to the Clerk of the Appeal Panel giving details of the complaint. The Panel Clerk will convene a Governing Body Complaints Appeal Panel.

The Governors' Appeal Hearing is the last school-based stage of the complaint process and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate a number of governors with delegated powers to hear complaints at Stage 4 and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- recommendations on policy as a result of complaints.

The procedure adopted by the panel for hearing appeals would normally be part of the school's complaints procedure.

#### **THE REMIT OF THE COMPLAINTS APPEAL PANEL**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the



outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.

- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the Complaints Procedure.

## **ROLES AND RESPONSIBILITIES**

### **The Role of the Clerk**

The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The nominated governor role:

- check that the correct procedure has been followed;
- if the complaint has progressed to Stage 4, notify the Panel Clerk to convene an Appeal Hearing.

### **The Role of the Chair of the Appeal Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;



- the panel is open minded and acting independently;
- no member of the panel has a vested interest;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

#### **NOTIFICATION OF THE PANEL'S DECISION**

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

