

Harefield School



Complaints Policy 2016

Guidance for Appeal Panels

Harefield School Complaints policy – Guidance for Appeal Panels

1. Introduction

If the complainant remains dissatisfied with the outcome after Stage Three they can request for the matter to be considered by a Governing Body Complaints Appeal Panel. This request must be made in writing to the Chair of the Governing Body within **10 working days** of receiving the outcome of Stage Three stating their reasons why they remain dissatisfied.

2.0 Stage Four: Complaint heard by Complaints Appeal Panel

Following a request being received from the complainant for their complaint to be considered at Stage Four the Chair of the Governing Body, or a nominated governor, will convene a Complaints Appeal Panel within **4 working weeks** of receiving the request. The panel will consist of 3 governors who should ideally not be parent governors.

No person involved should have had previous involvement in the complaint.

The complainant should be given **10 working days'** notice of the meeting. The Clerk to the Governing Body will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting. The notification should inform the complainant that they can bring a friend/relative to accompany them to the meeting, and that they if they wish to they can submit further written evidence relevant to the complaint for consideration by the Appeal Panel.

2.1 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 appeal panel needs to remember:

- a) 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 disability, race, gender and religious affiliation.
- b) 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 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 or her complaint has been taken seriously.
- c) 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.

- d) 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.
- e) The governors sitting on the panel need to be aware of the complaints procedure.

2.2 Roles and Responsibilities

2.2.1 The Role of the Clerk to the Governing Body

It is strongly recommended that any panel or group of governors considering complaints be clerked. 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.

2.2.2 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 a hearing is appropriate, notify the clerk to arrange the panel;

2.2.3 The Role of the Chair of the 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 in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- 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.

3.0 Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that both sides have time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:-

- The Chair will welcome the complainant, introduce the panel members and explain the procedure.
- The Chair of the panel will invite the complainant to explain the complaint.
- The panel members may question the complainant about the complaint and the reasons why it has been made.
- The Chair will invite the Head Teacher to ask any questions of the complainant relevant to the complaint
- The Chair will invite the Head Teacher to make a statement in response to the complaint. At the discretion of the Chair the Head Teacher may invite members of staff directly involved in the complaint to supplement the Head Teacher's response.
- The panel may ask questions of the Head Teacher and the members of staff about the response to the complaint
- The Chair will allow the complainant to ask questions of the Head Teacher and members of staff about the response to the complaint.
- Either party has the right to call witnesses, subject to the approval of the Chair.
- The Panel, the Head Teacher and the complainant may question any such witnesses
- The Chair will invite the Head Teacher to make a final statement to sum up their case
- The Chair will invite the complainant to make a final statement to sum up their case
- The Chair will explain to the complainant and the Head Teacher that the panel will now consider all of the information available to them and reach a decision, and a written decision will be sent to both parties within **10 working days** of the date of the meeting. The Chair will then ask all parties to leave except the members of the panel.

The panel will then consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint

4.0 Notification of the Complaints Appeal 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 within **10 working days** of the date of the meeting. The letter should inform the complainant that this was the last stage of the Complaints Procedure and the Complaints Appeal Panel's decision is final. They should be informed of what they need to do if they wish to pursue the claim further (see paragraph 5.0)

5.0 Complaint to the Department for Education – For maintained schools

If the complainant remains dissatisfied with the outcome of the appeal hearing, they can take the matter to the Department for Education. Unless there are exceptional circumstances the Department for Education will not deal with a complaint unless they are satisfied that the school has first had the proper opportunity to consider it and respond.

Complaints about schools can be made by writing to:

Department for Education

Castle View House

East Lane

Runcorn

Cheshire WA7 2GJ

or via the Department for Education's School Complaints Form

Checklist for a Complaints Appeal Panel Hearing

- The Complaints Appeal Panel need to take the following points into account:
- The hearing is 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 Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head Teacher 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 Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decide on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.