



APPENDIX 3: Guidance for governors on a Complaints Appeal Panel

Remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or part
- uphold the complaint in whole or 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 need 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 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 may 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.
- 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 given 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:

Any panel or group of governors considering complaints should be clerked. The clerk will be the contact point of 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 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 for the hearing
- record the proceedings
- notify all parties of the panel's decision

The role of the Chair of the Governing Body or Nominated Governor:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel



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.

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.
- The final stage of appeal is to the Secretary of State for Education and complainants who wish to pursue this course of action need to write to:

The School Complaints Unit
Department for Education
2nd Floor Piccadilly Gate
Manchester
M1 2WD

The School Complaints Unit will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out. They will also examine policies to determine if they adhere to education legislation. However, the department **will not reinvestigate the substance of the complaint**. If legislative or policy breaches are found, SCU will report them to the school and the complainant and, where necessary, require remedial action to be taken.