

The following has been compiled to assist clerks in administering a complaints panel.

The notes include comments and observations from clerks who have been involved with the process.

Guidance and tips for Clerks

The panel has been convened to ensure that a complaint is heard and dealt with fairly and transparently. Neither the complainant nor the school's representative should be made to feel on trial.

These can be stressful occasions and the clerk can play an important part in making the hearing comfortable and as friendly and cooperative as possible. Attention should be paid to the set -up of the room, comfort, and refreshments.

- Not all schools have a spare room in which a hearing can take place. It is sometimes appropriate to hold the hearing outside of school on "neutral territory" and where it cannot be overheard or interrupted by the day to day activities going on in the school.
- You should check accessibility and dietary requirements of any of the participants.
- It is a good idea to make name plates for all the participants so that it is clear to everyone who is there. The Chair should make introductions as appropriate.
- In deciding where people should sit, it is a good idea to place the panel so that they can see the clock. That way the Chair won't have to make it obvious if he has to check the time to keep things on track.
- It is recommended that participants are sat at tables so that it is easy for them to take notes if they need to.
- Put a notice on the door of the room where the hearing is being held so that it is easy to find. For example, just the name of the school and "Governors' Hearing" should suffice. There is no need to mention the word "complaint".

BEFORE

- Check that you have TORs for the committee – these are often the same TORs for a committee that would be set up to hear disciplinary matters or appeals.
- Agree the committee members – notify them of what is involved but do not discuss the case. Provide panel members with a copy of the Complaints Policy / procedure and the DIY guide on the Review Panel.
- Arrange the panel venue/ date and time. You will need to liaise with the complainant and the school (Headteacher / Chair). Keep a record of all emails, tel calls and discussions you have relating the the arrangements. It may prove difficult to arrange an appropriate venue date and time within the time scale and having these records shows that a reasonable effort was made to do so.
- Notify in writing all parties (complainant, school and panel members) of the venue, date and time. (See draft letter to complainant – amend to suit). It is suggested that the letter to the complainant is sent by recorded delivery or delivered by hand.

NOTE ref next 3 points: Not all cases involve a lot of papers so do what is practicable and appropriate. The important thing is that everybody has the same information.

- All papers to be considered by the panel from both sides must be submitted to the clerk within the timescale. Ensure that you provide details on where the papers are to be sent and by when.
- Clerk assembles all papers into a folder. It is suggested that this is indexed and then each document numbered so that if a specific document is referred to during the hearing, everyone can easily turn to it. Include a copy of the Complaints Policy / procedure at the front.
- A full copy of the folder should be provided for each panel member, one for the clerk, one for the complainant and one for the school (Head or Chair). All parties should receive their folder 3 clear days before the hearing. It is suggested that the folder for the complainant is sent by recorded delivery or delivered by hand.
- The panel members may want to convene a pre-meeting where they agree who is to be chair of the panel, and ensure that they understand the procedure to follow etc. It is not appropriate to discuss the case at this stage. Full discussion takes place AFTER the hearing once the cases have been presented.
- Consideration should be given to the amount of time witnesses (if any) may be asked to wait and it is quite in order to arrange for them to come just for their appearance. This can sometimes be organised by communicating by mobile phone during a break in the proceedings. However this is not always an option and therefore witnesses should be warned that they may have to wait quite a long time before being called.
- If possible all those concerned should be made aware of how the hearing is run, who the panel are (ie governors) and who will be in the room. Some witnesses may think that their interview will be private and not in front of the complainant, school representative etc. If people know what to expect then they will feel more relaxed.

DURING

- The clerk must remain neutral. It is suggested that the clerk sits apart from the panel so as not to seem on the panel's side.
- Minutes must just state the facts and must not imply any opinion or judgement. See attached guidance on structure of minutes
- There will usually be breaks in the proceedings (comfort breaks, coffee etc). If one party leaves the room then the other party should do so as well to avoid any appearance of the panel having the opportunity to talk privately with one side or the other. Similarly make sure people are ushered back into the room together so that neither side has a chance to speak to the panel alone.

AFTER

- After the hearing the panel need to meet to discuss what they have heard. This can be immediately following the hearing or the panel can reconvene eg the next day.

- The discussion of the panel does not need to be formally minuted and the clerk does not have to be present. However the panel may find it beneficial to have the clerk present as they may wish to refer to the minutes to clarify points. The minutes are likely to still be in manuscript / draft.
- A “Format for Structured Decision Making” is provided if required.
- The panel need to come to a decision about whether the complaint is upheld or dismissed. In some instances elements are upheld and elements are dismissed and these need to be set out clearly.
- As well as the decision, the panel may make recommendations eg there may be instances where procedures need to be tightened up.
- There should be no discussion about the case between the clerk and either party until after the decision letter has gone out.
- The letter to the complainant needs to be sent out within 5 school days. The letter should provide reasons for the decisions made. It should be copied to the panel members, the Chair and the Headteacher. It is suggested that the letter is sent by recorded delivery or delivered by hand.
- The letter should also set out the next steps that can be taken if the complainant remains dissatisfied. If the complainant subsequently contacts the Clerk because he/she is dissatisfied the Clerk should just refer them to the next stage and not enter into any discussion.
- The Chair of the panel needs to report the outcome of the hearing in general terms to the full governing body at their next meeting. The details of the complaint should not be provided or discussed by the full governing body.

Suggested draft letter – amend as appropriate

School Header

Name and address of complainant

Date

Dear

I am writing to you to inform you of the arrangements for the Complaints Committee hearing in accordance with the Local Authority's complaints procedures (stage 3), which were adopted by the Governing Body of School on **(date)**.

The aim of the hearing is for your complaint against the school, and the school's response, to be fairly considered by three governors who have not previously been involved with dealing with your complaint. They are:

List governors and the positions they hold (if any) eg Chair of

Arrangements have been made for the hearing to take place at **(date and time)** at **(location)**. We trust that this will be acceptable to you. Please be assured that your complaint is being taken very seriously by the Governing Body, and their main concern is that your complaint is fully and fairly considered.

(Name) will chair the committee. The Clerk to the Governing Body will minute the meeting.

The hearing will be conducted as follows:

- You will be given the opportunity to explain your complaint and the outcome you are seeking
- The committee and school representative will then be allowed to question you.
- The school representative will then be given the opportunity to explain the school's response, interpretation and view about the complaint.
- Following this you and the committee will be allowed to question the school representative.
- Each party may call upon other individuals to support their case if they are willing to do so.
- The school representative and you will both be invited to make final statements.
- The Chair will conclude the hearing.
- All parties will be informed of the outcome in writing within 5 school days.

I should be grateful if you would confirm in writing that these arrangements are acceptable to you, by completing and returning the attached slip in the envelope provided.

(Add in any further information about what refreshments will be provided.)

It would be helpful to know in advance whether anyone will be accompanying you at the hearing and how many witnesses you intend to call (if any). As the meeting may take several hours we advise that you inform any witnesses invited that they may have to wait some time before being called.

Please let me know if you or anyone else you will be asking to attend, has any accessibility or special dietary requirements eg wheelchair access, difficulty with stairs or allergies.

GUIDANCE FOR CLERKS

August 2011
Amended 2016

Please ensure that any papers to be considered are sent to me via the school if possible by **(Date)**. Only those papers that you submit, together with papers submitted by the school will be considered by the panel. All papers will be collated and copied to all parties at least three days before the hearing in accordance with the complaints procedures.

Yours Sincerely

(Name)

Clerk to the Governing Body

CC

Headteacher

Chair of Governors

Members of Complaints Panel

.....

To:

The Clerk to the Governing Body

.....School

I confirm that I will be attending the complaints committee hearing at at

Signed

Dated

CONFIDENTIAL

DRAFT OUTLINE OF STRUCTURE OF MINUTES FOR A COMPLAINTS PANEL

Name of School
Minutes of the Governing Body Complaints Panel held at

Present:

Panel

Complainant

School Representative

Clerk

Clerk to the Governing Body

Not present throughout:

Witnesses for complainant

Witnesses for the school

Note: Page numbers refer to the page numbers used on the submitted papers from both parties, which were copied to both parties. – this makes it easier when things are referred to

1. The Chair welcomed those present to the meeting, and introduced everyone explaining his or her role in the proceedings. The purpose of the meeting was explained.
 - Mrs’s complaint against the school was not dealt with to their satisfaction at Stage 2 as defined by the school’s complaints procedures, and their complaint was now to be considered by a panel of three governors previously not involved with the complaint.
 - The Chair said that their job was to offer a fresh and balanced look at the complaint against the school.
 - New complaints could not be considered at this stage.
2. The Chair explained the structure of the meeting according to the guidelines set out at *(the complaints policy)*
3. The Chair explained that the panel would consider their findings and a letter would be sent to within 5 school days. The clerk clarified that this meant that the letter could be sent at the latestto arrive by Special Delivery on
4. The Chair asked everyone present to confirm that they had all received the same paperwork, which they did. The panel were sent the papers at the same time as the complainant and all members of the panel had read all the papers thoroughly.
5. The Chair asked to clearly define her complaint and state the outcome that she was seeking by making the complaint.

(Note: capture this as concisely and clearly as possible – poss using bullet points)

6. The panel asked questions and clarified some points raised:
Capture the main points (Bullet points)

7., representing the school, asked questions, and commented on her submission.
The following points were noted:

8. called her first witness (name)
(name) entered the room.

9. The Chair welcomed *(name)* and introduced everyone in the room. *(Name)* was invited to speak.
Note any questions asked by the panel

10. *(name)* representing the school was invited to ask questions. *(Record anything)* The Chair thanked the witness.

The witness left the room.

The meeting was adjourned for a short break. (Both parties need to leave the room)

11. The meeting was reconvened and the Chair invited *(Name)* to make the school's response.
Note main points

- *(The complainant)* was invited to ask questions. Note anything
- *Note any questions asked by the panel*

12. The Chair invited *(name)* to summarise her complaint against the school and make a final statement.

13. The Chair invited *(name)* to sum up the school's response and make a final statement.

14. The Chair asked *(name)* if he/she felt that she had had sufficient time to put forward their complaint.
(record response)

15. The Chair thanked everyone for coming.

16. The meeting finished at

A format for structured decision making

If this series of questions is followed, the decision should 'drop out' at the end, be defensible and the reasons behind your decision should be clear.

What are you being asked to decide?
What are your powers? (check with clerk and Guide to Law)
Where does the burden of proof lie? (who needs to convince you of what)
What are the relevant issues and facts?
What are the irrelevant issues and facts?
Which facts are not in dispute?
Which facts are in dispute?
What do you believe? and why?
Do you need to recheck the law or guidance?
What is your decision?
What are your reasons for this decision?