

Yatton Federated Schools Complaints Panel

Terms of Reference 2016

Purpose

To consider in line with the complaints guidance issued by the DfE in 2011 any complaints from parents and members of the public in accordance with the complaints procedure of the governing body.

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

Membership

The Panel shall consist of three eligible governors, selected from a pool of governors by the Clerk after consultation with the Chair of Governors, or, if the Chair of Governors has a direct interest in the matter to be determined, the Vice Chair of Governors

Every governor (other than the Headteacher and staff governor(s)) is eligible for membership.

No governor may therefore sit on the panel if they have had a prior involvement in the matter to be determined or in the circumstances surrounding it. Any personal relationship with individuals involved would also be a bar to a governor sitting on a panel/committee.

Governors must declare any personal or pecuniary interests

There are several points which any governor sitting on a complaints 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 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.

Quorum

The quorum shall be three.

Meetings

The Complaints Panel shall meet on an as required basis.

Chair

The Chair of the panel/committee will be appointed by the governing body or the panel (providing the governing body delegates the responsibility)

Clerking

All meetings must be clerked. The clerk to the committee must be a person who is not a governor of the school(s), an Associate Member or the Headteacher.

Decisions

Any decisions shall be made by a simple majority.

Procedures

The school procedure states that most complaints will be dealt with in the first instance by the Headteacher or another member of the School Leadership Team. He or she will document the complaint (names, dates, times, events), acknowledge the complaint in writing within three days of receipt, and consult with all those directly concerned. The complainant will receive a written explanation of the action taken within ten working days of receipt of the complaint. (During school holiday periods it may not be possible to keep to this timescale but every effort will be made to do so).

If the complainant is not satisfied with the action taken by the Headteacher, or if the complaint is against the Headteacher, he or she may refer it to the Chair of Governors. If the complainant is not satisfied with the decision of the Chair of Governors a formal complaint may be made to the Governing Body through the Clerk to the Governors.

A Complaints Committee will meet within 15 working days of receiving the complaint. The complainant will be given seven working days' notice of the meeting and may be accompanied by another person to provide support. The meeting will follow the procedure outlined in the DfE document School Complaints Procedure issued in 2011. All hearings shall be in private and minuted. All relevant papers must be circulated, by all parties, to all parties, in advance of the appeal hearing. The Committee shall consider its decision in private except for the presence of the clerk. Private deliberations shall not be minuted. The complainant will be informed by the Clerk of the outcome of the meeting and the reasons for it and any action to be taken by the school, within seven days of the meeting. The decision of the Complaints Panel is final.

The governors will do all they can at this stage to resolve the complaint to the complainant's satisfaction. If the governing body complaints appeal panel is unable to resolve a complaint it may be referred to the LEA for investigation of how the complaint was handled

If a complaint is about the governing body it will be referred to the Local Authority. If that fails to produce a satisfactory response the complainant has the right to take the complaint to the Secretary of State for Education.

Delegated Functions

- To elect a chair from one of their number
- Draw up its procedures
- Hear individual appeals
- 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
- Making recommendations on policy as a result of complaints

These Terms of Reference were accepted and approved by the Board of Governors