

Staff/Governor/Clerk Guidance

Truro and Penwith Academy Trust

Procedures for dealing with parental complaints

This guidance must be read in conjunction with the TPAT Complaints Policy

The purpose of this guidance is to provide quick reference and advice for staff, governors and clerks at all stages of the complaints process. It should be used to facilitate the implementation of the Truro and Penwith Academy Trust (TPAT) complaints policy (approved October 2020). Any complaint started under the previous policy must continue to follow that policy.

Always keep emails and notes about the complaint and complainant professional and in line with policy and procedures. Keep in mind that complainants can seek subject access requests via the General Data Protection Regulation (GDPR) for all information regarding themselves in relation to a complaint. Similarly, the Freedom of Information Act (FOIA) requests can be made and only information falling under particular exemptions can be redacted.

Staff should be alert to situations that may escalate into any of the stages of a complaint. It is important to keep a record of any incidents or conversations with parents or members of the community which may have caused to develop into a complaint. It is suggested that records are kept in a central secure place, which can then be referred to as evidence/witness statements if required at a later stage. Keeping of such records will support Headteachers when they compile reports for the LGB.

Stage 1 – Informal Complaints

As soon as a concern is raised the member of staff should make a written note recording date and time, passing it to the Headteacher to ensure chronological records can be maintained. The process laid out in the complaints policy should be followed and the appropriate member of staff must also send a written response to the complainant after addressing the concern.

- Concerns should initially be handled informally in a manner that offers the best way of resolving issues.
- The relevant staff should offer an appointment to discuss the issue as quickly as possible as this will give both parties time to talk about it calmly and politely without being interrupted. It will also show a commitment to resolving issues.
- It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.
- The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.
- The discussion and outcome should be summarised in writing to the complainant.

Stage 2 – Formal Complaints

The school receives a formal written complaint addressed to the Headteacher on the complaints form (see complaints policy) who then arranges a further investigation. Complaints about the head teacher or member of the Local Governing Body must be made in the first instance to the Clerk, via

the school office. The Clerk should immediately inform the Trust Governance Officer to seek guidance on the process to be followed within this procedure. It is advised that notes are taken at meetings or staff interviews (these may be used as evidence at a later stage in the process) and the Headteacher must provide a written response to the complainant within the timeframe laid out in the complaints policy. All correspondence/paperwork should be collated and recorded as mentioned above.

- If the complaint at this stage is in relation to safeguarding, SEND, DDA – please refer to Trust Governance Officer for potential legal advice.
- Where a member of staff is the subject of a complaint, Headteacher to notify member of staff and provide support as necessary.
- An unresolved issue can now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding resolution to the issue.
- It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the results of the talk with the relevant staff member then they can write to the Headteacher.
- It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.
- The aim should be that discussions end on a positive note with no bad feelings.

Stage 3 – Panel Hearing

The Trust Governance Officer must be informed when a complaint reaches Stage 3.

The LGB complaints panel will undertake a formal hearing of the complaint, which will be summarised by the complainant using the complaints form (contained within the complaints policy).

The LGB clerk will be the coordinator of the panel and will invite the complainant to the meeting. It should be made clear to the complainant that they can be accompanied but not standard practice to be represented (legal advice would need to be sought if someone wanted representation).

There is a requirement for a panel member who is independent of the running and management of the school. The Trust Governance Officer can help with sourcing an individual if required.

The complaint needs to be heard in full by the panel at stage 3. This means that the parent is invited to present their complaint to the panel in written form (and can speak to it). The panel will examine the investigation that was carried out at stage 2 and the written response provided to parents. As part of that the subject of the complaint may be called to give evidence and all parties may be questioned by the panel. The complainant may also ask questions via the panel.

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 prior involvement in the complaint or in the circumstances surrounding it. In deciding the makeup of the panel, governors need to try and ensure that it is sensitive to the issues of race, gender, religious affiliation.
- b) 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 children, and may choose to be accompanied. 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 as informal as possible.

- c) The full LGB should only be informed that a complaint is being heard – details should be withheld to ensure that the remaining governors are available should the outcome result in any action being taken under other procedures – eg disciplinary.
- d) During the meeting the complainant and the Headteacher should provide all the relevant information and the panel members will clarify any points. After the complainant and the headteacher have provided all such information. The Chair will ask all parties to leave with the exception of the panel members.
- e) The panel members dictate their wording for the decision letter to the clerk.

The Role of the Clerk

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

- Notify the Trust Governance Officer that they have received a Stage 3 complaint or a stage 2 complaint about the Headteacher or member of the LGB and/or if it is in relation to safeguarding, SEND or DDA.
- Set the date, time (the timing for the meeting needs to be within the school day except in exceptional circumstances) and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible – where the meeting is taking place virtually; an appropriate platform will be chosen
- Put together the agenda for the meeting, making it clear how long each participant is required to attend the meeting
- 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
- Minute the proceedings and safely archive all written records
- Notify all parties of the panel’s decision and recommendations in writing
- Ensure confidentiality of process and written materials
- Fair consideration will be given to any bona fide objection to a particular member of the panel. Any such objection must be notified to the panel at least 3 school days before the panel meeting.

Practical tips for the Clerk to the Panel

- Paper bundles should be connected with treasury tags or similar
- Each page should be numbered in chronological order
- Date/title/reference should be at the top of each piece of evidence
- Prepare a list of who’s who – this will help attendees, particularly independent representatives who are not familiar with the MAT or school
- Minutes must be available for scrutiny if requested but do not need to be circulated
- Ensure the panel do not leave without dictating their conclusions for the letter to the complainant and the minutes.

The Role of the Chair of the Panel

Prior to the stage 3 meeting, the Panel will choose a Chair from amongst its members (this is not necessarily the chair of the LGB).

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 due interruption
- The key 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 and it is relevant to the complaint 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 (via the clerk) needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response - refer to the complaints procedure for the timeframe. The letter needs to highlight the rights of the complainant to take the complaint to the ESFA as per the complaints policy. The Headteacher and/or the subject of the complaint is notified of the complaint outcome at the same time as the complainant.

Checklist for a Panel Hearing

The Panel needs to take the following points into account:

- The hearing is as informal as possible and will be managed by the appointed chair
- 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 Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the schools' actions. Other witnesses follow
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair explains that both parties will hear from the panel within a set timescale.

At the meeting

- The Panel must be made up of at least three members (one of whom will be independent of the management of the school) and a clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned
- All (non-panel) attendees should be in the room at the same time
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable
- The Clerk should take notes of the meeting, listing who is present:
 - Governors, stating who is the Chair of the Panel
 - Headteacher and/or designated investigating officer and any other members of staff
 - Complainant and anyone accompanying them eg friend
 - Clerk
- The Chair of the Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance
- People present should introduce themselves stating their reason for being at the meeting
- The Chair of the Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why they feel the issue has not been resolved at Stage 2. The Panel members can ask questions to make sure they understand the issue from the complainant's point of view.
- The Chair of the Panel should request a verbal statement from the Headteacher and/or designated investigating officer in support of their written account of the complaint and the steps taken to resolve the issue. The Panel members can ask questions.
- The members of the Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The Chair of the Panel must ask the complainant and the Headteacher if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Panel members understand all the issues, the Chair will ask all parties to leave except the Panel members and the Clerk.

After the meeting

- The Panel members then discuss the issues in private and the Clerk remains to record the decision
- The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.
- When the Panel have reached a decision the Clerk will inform everyone concerned in writing in accordance with the timescales within the complains policy.
- The Chair of the Panel (via the clerk) needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response - refer to the complaints procedure for the timeframe. The letter needs to highlight the rights of the complainant to take the complaint to the ESFA as per the complaints policy. The Headteacher and/or the subject of the complaint is notified of the complaint outcome at the same time as the complainant.