

PROCEDURE

STAFF-P09-2-COMPLAINTS-PANEL HEARING

1 INTRODUCTION

- 1.1 This procedure describes the process of the Stage 4 – Complaint Panel Hearing

2 TASK DESCRIPTION

- 2.1 This outlines how the Complaint Panel Hearing will be conducted, the processes associated with the decision making and recommendations, and how that decision will be notified to the Complainant.
- 2.2 If the Complainant feels that the Complaints policy does not comply with the regulations or that the Complaints procedures have not been followed it outlines the actions which are available to the Complainant.

3 AT THE HEARING

The Complaint Panel Hearing will be conducted as follows:

- 3.1 The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Trust's Representative and welcome them into the room where the Complaint Panel has convened:
- Witnesses will remain outside the room until they are called in to give their account;
- 3.2 The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- 3.3 Questioning:
- The Trust's Representative will be invited to ask the Complainant questions, if any;
 - The Complaint Panel will ask the Complainant questions, if any;
- 3.4 Witnesses:

If the Complainant has any relevant witnesses, at the discretion of the Chair of the Complaint Panel, each will be invited into the room individually to provide their accounts and be questioned as outlined:

- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
 - The Trust's Representative will be invited to ask the Complainant's witness questions, if any;
 - The Complaint Panel will ask the Complainant's witness questions, if any;
 - The Complainant's witness will be asked to leave the room;
- 3.5 The Trust's Representative:
- The Trust's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Trust;
 - The Complainant will be invited to ask the Trust's Representative questions, if any;
 - The Complaint Panel will ask the Trust's Representative questions, if any;

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3.6 The Trust's witnesses:

If the Trust has any relevant witnesses, at the discretion of the Chair of the Complaint Panel, each will be invited into the room individually to give an account of what they saw or know and be questioned as outlined:

- The Complainant will be invited to ask the Trust's witness questions, if any;
- The Complaint Panel will ask the Trust's witness questions, if any;
- The Trust's witness will be asked to leave the room;

3.7 The Complaint Panel will invite the Complainant to summarise their complaint;

3.8 The Complaint Panel will invite the Trust's representative to summarise their response to the complaint and the Trust's stance;

3.9 The Complaint Panel Hearing will conclude:

- The Complainant will be asked to leave the room
- The Trust's Representative will be asked to leave the room

4 THE COMPLAINT PANEL'S DECISION

4.1 The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all the documentation and everything that they have heard at the Complainant Panel Hearing and make: **Findings of Fact**

4.2 The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not).

- If a fact is not deemed relevant, the Complaint Panel will not consider it further.
- The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

5 COMPLAINT PANEL RECOMMENDATIONS

5.1 The Complaint Panel will consider the facts which they have established and will make recommendations based upon them.

5.2 These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future.

5.3 The Complaint Panel will keep a written record of their recommendations, with reasons.



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6 NOTIFICATION OF THE COMPLAINT PANEL'S DECISION

- 6.1 The Clerk to the Trust Board will write within **ten school days** of the Complaint Panel Hearing to the Complainant, the Trust's Representative and any person complained about.
- 6.2 The letter will identify:
- each of the issues complained about;
 - summarise how the Complaint Panel Hearing proceeded;
 - confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons.
- 6.3 The letter will also confirm that:
- if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Department for Education for further consideration.
- 6.4 The Clerk to the Trust Board will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Trust's premises for inspection by the Trust Board and the Principal.

7 FACTORS FOR THE COMPLAINT PANEL TO CONSIDER

- 7.1 It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint.
- 7.2 The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the Complainant. However, it must be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly 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.
- 7.3 An effective Complaint 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 Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and non-adversarial.
- 7.4 Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The views of the child will be given equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

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- 7.5 The Complaint Panel should ensure that they are familiar with this Complaints procedure and also with the STAFF-P09-1-Complaints – Stages of Complaints – 00 procedure in advance of the Complaint Panel Hearing.
- 7.6 The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:
- The remit of the Complaint Panel is explained to the parties and each party has the opportunity to make representations without undue interruption;
 - All the issues raised in the complaint are addressed;
 - Key findings of fact are made, on the balance of probability;
 - Each party treats the other with respect and courtesy;
 - The Complaint Panel is open minded and acts independently of the Trust;
 - No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
 - Each side is given the opportunity to state their case and ask question;
 - All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

8 REFERRAL TO THE DEPARTMENT FOR EDUCATION

- 8.1 **Once a complaint has been through all the stages of this Complaints Policy**, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Department for Education for consideration.
- 8.2 The Complainant should be aware that the Department for Education will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

9 PROCEDURE AUTHOR

- 9.1 The author of this procedure is the Principal They should be contacted for any points of clarification or suggested future amendments.



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10 VERSION CONTROL

Procedure Number	STAFF-P09-2
Procedure Name	Complaints – Panel Hearing
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Publication Method	External A copy must be kept in U:\Staff Information\Policies\Procedures for Policies\STAFF Procedures
Approved by	Full Trust Board
Date of Approval	May 2022
Key changes since previous version	<ol style="list-style-type: none">1. Reformatted to new standards2. Separated from STAFF-09-Complaints Policy.
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