



BARNSLEY
Metropolitan Borough Council



Governance
Academies & Schools

Guidance to Complement Stage 2 of the Model Complaints Procedure for Schools

Summer 2023

Review Date	Summer 2026
-------------	-------------

CONTENTS

Page

Stage Two – consideration by a Panel of Governors

3. Checklist of Actions for a Stage Two Complaint
5. Model Stage Two Acknowledgement Letter Template (Accepted)
6. Model Letter Confirming Hearing Date
7. Model Letter to a Member of Staff Named in a Complaint
8. Considering the evidence– A suggested format for clarifying issues and seeking information
10. A Suggested Seating Plan for a Complaints Hearing
11. The Role of the Chair of the Panel
11. Format of a Panel Hearing
12. Model Letter Providing the Panel’s Decision

Serial or Persistent Complaint

14. Model Letter Responding to Serial or Persistent Complaint

Stage Two – consideration by a Panel of Governors

Checklist of Actions for a Stage Two Complaint

Complaint from Date

Upon request to escalate complaint to Stage 2:

Tasks	Person responsible	Date completed
Clarify whether the complaint has exhausted the earlier stages of the Complaints Procedure/Policy.	Chair of Governors	
Acknowledge receipt of the Stage Two complaint Form in line with the Complaints Policy/Procedure timescales.	School	
Inform the Headteacher that a Stage Two complaint has been received.	Chair of Governors	
Arrange a Panel of Governors that are able to consider the case impartially and to be perceived as such by all parties. Governors with prior knowledge of the case must not be on the Panel. Governors employed at the school should also not be on the Panel.	Chair of Governors	
Determine whether an initial meeting is required to prepare for the hearing and, if so, set a date for this.	Chair of the Panel	

At the Complaints Panel's first meeting:

Tasks	Person responsible	Date completed
Make sure you understand the nature of the complaint.	Chair of the Panel	
Decide what facts you need to establish.	Chair of the Panel	
Decide what evidence you need to establish the facts, e.g., you may wish to invite a witness to the complaint hearing or to ask him/her to write a signed statement. Identify who can be asked to provide that documentation.	Chair of the Panel	
Decide the date of the complaint hearing. The date should be as soon as possible, consistent with giving time for the necessary evidence to be collected.	Chair of the Panel	

Preparing for the hearing:

Tasks	Person responsible	Date completed
<p>Notify the complainant, the Headteacher and any witnesses invited to the meeting of the date of the hearing.</p> <p>The complainant, the Headteacher and any witnesses (including any members of staff) should be given the right to be accompanied by a friend or representative.</p> <p>N.B. :</p> <ul style="list-style-type: none"> • No child may be requested to attend without written parental permission. • The Committee cannot insist on anyone attending a hearing except for the Headteacher. • Complainants cannot insist that a witness attends. 	Chair of the Panel	
Write to any member of staff named in the complaint to offer them an opportunity to attend the hearing. They may be accompanied by a friend or representative. You may not wish to use them as a witness, but they have a right to attend if they wish.	Chair of the Panel	
Ensure there is an appropriate meeting room to conduct the hearing.	Chair of the Panel	
Ensure there are appropriate areas where complainants, the Headteacher and any witnesses will wait.	Chair of the Panel	
Organise someone to take notes and draft minutes.	Chair of the Panel	
Prepare questions the Panel needs to ask.	Chair of the Panel	
Agree format of the meeting.	The Panel.	

When the Panel has reached its conclusions:

Tasks	Person responsible	Date completed
<p>Write with the Panel's conclusions to the complainants.</p> <p>Send copies of the letter to:</p> <ul style="list-style-type: none"> • the Headteacher; • any staff involved in the complaint. 	Chair of the Panel	
Arrange for the minutes of the hearing to be shared, on a confidential basis, with the Panel, Headteacher and complainants.	Chair of the Panel	

Model Stage Two Acknowledgement Letter Template

Dear Mr/Mrs X,

I am writing to acknowledge that your Stage Two Complaint Form has been received in school.

At this stage of the Complaints Procedure, a panel of Governors will be convened, who will aim to meet as soon as possible to consider your complaint. When the date for the meeting is set, you will be notified in writing with an invitation to the meeting.

Please let me know as soon as possible if:

- there are any witnesses you would wish to attend the meeting;
- you would like to have a friend or representative with you.

You can contact me by writing to me care of the school.

Finally, please may I point out that your complaint and all related documentation should be treated as confidential by you and by everyone else involved in dealing with it?

Yours sincerely,

CHAIR OF THE GOVERNING BODY

Model Letter Confirming Hearing Date

Dear Mr/Mrs X,

SCHOOL NAME – STAGE 2 COMPLAINT

The Governors' Complaints Panel convened to hear your complaint has arranged a date for the hearing.

The formal hearing of the complaint will take place on, commencing at to be held at

You are entitled to be accompanied by a friend or representative if you wish. I should be grateful if, no later than 5 days prior to the hearing, you would:

- confirm that you will be attending; and
- let me know the name of any friend or representative who will accompany you. Please also let me know in which capacity the additional person is attending (e.g., interpreter, legal representative, friend, etc.).

Please confirm the above by writing to me care of the school.

Finally, please may I remind you that the consideration of this complaint and all related documentation should be treated as confidential by all concerned?

We look forward to meeting you.

Yours sincerely,

CHAIR OF THE COMPLAINTS PANEL

Model Letter to a Member of Staff Named in a Complaint

Dear Mr/Mrs X,

SCHOOL NAME – STAGE 2 COMPLAINT

The Governing Body has received a complaint from in which you are named. I enclose a copy of the complaint and the school's complaints procedure for your information.

We have arranged a formal hearing of the complaint on, commencing at to be held at

As a member of staff named in the complaint, you are entitled to attend, although we do not wish to call you as a witness. You are entitled to be accompanied by a friend or representative, if you wish.

I should be grateful if you would let me know whether you wish to attend this hearing and inform me of the name of any friend or representative who will accompany you no later than 5 days prior to the hearing. It would help us to know in which capacity the additional person is attending (e.g., interpreter, legal representative, friend, etc.).

Finally, please note that this complaint and any documentation relating to it must be treated as confidential by all concerned.

Yours sincerely,

CHAIR OF THE COMPLAINTS PANEL

Considering the Evidence – A suggested format for clarifying issues and seeking information

What is the complaint?

What facts are not disputed?

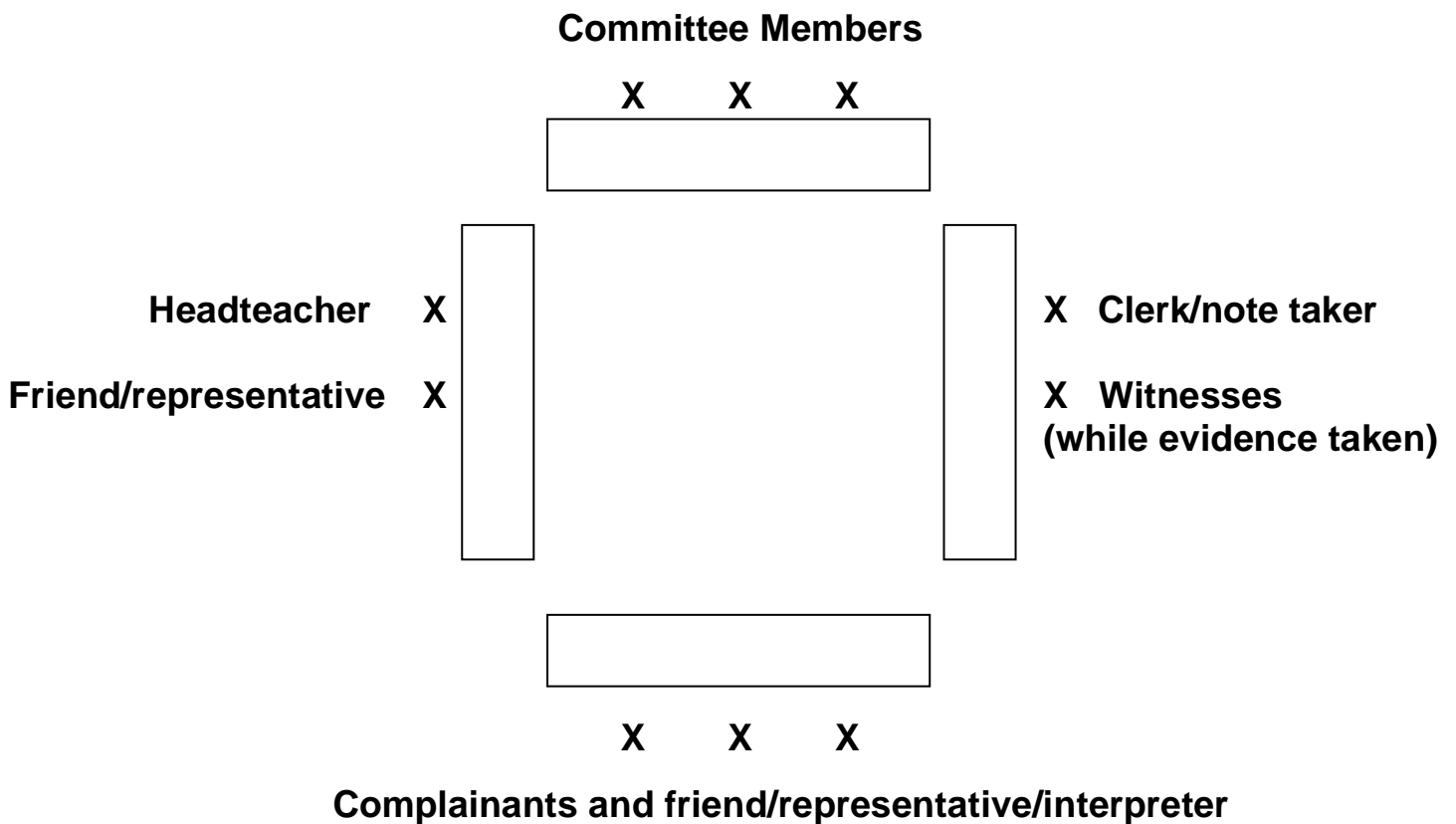
-
-
-
-
-
-
-

**What facts do we
need to establish?**

How?
*(documentation from
questioning of)*

Comments

A Suggested Seating Plan for a Complaints Hearing



X X X

Observers (staff named in the complaint who wish to attend, if appropriate)

It is an important principle that the Headteacher, staff and complainants are treated equally at all times, e.g., it is important that the Headteacher is not in the room with the members of the Panel without the complainant and vice-versa.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- a date, time and venue of the hearing is set, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
While it may be appropriate to offer a selection of dates, panel meetings can proceed in the absence of a complainant if no mutual date is agreed.
- parties are met and welcomed as they arrive at the hearing (usually by the Clerk or Chair);
- a summary of the proceedings is recorded in writing by the Clerk;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case forward 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;
- all parties are notified of the panel's decision.

Format of a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing where they give evidence.
- After introductions, the complainant is invited to explain their complaint. This is then followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses (through the Chair) after each has spoken.
- The Headteacher is then invited to explain the school's actions and is followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses (through the Chair) after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint (no new points should be added).
- The Headteacher is then invited to sum up the school's actions and response to the complaint (no new points should be added).
- The Chair ensures all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
- 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 time scale.

Model Letter Providing the Panel's Decision

Dear Mr/Mrs X,

SCHOOL NAME – STAGE 2 COMPLAINT

Thank you for attending the meeting of the Complaints Panel on I am writing on behalf of the Panel.

The Panel has given careful consideration to your complaint, which raised the following issues:

1.
2. etc

The Panel's conclusions are as follows:

1. Issue 1

As regards to the first issue raised from your complaint noted above, the Panel considered the following factors:

-
-
- etc

In the light of these considerations, the Panel **does/does not** uphold this aspect of your complaint.

2. Issue 2

As regard to the second issue raised from your complaint noted above, the Panel considered the following factors:

-
-
- etc

In the light of these considerations, the Panel **does/does not** uphold this aspect of your complaint.

In addition to its conclusions on your complaint, the Panel will also be making the following recommendations to the full Governing Body:

-
- etc

(N.B. There is no obligation to make recommendations.)

This completes the Panel's conclusions.

This is the final stage of the school's Complaints Procedure. I trust that you consider that your complaint has been dealt with fairly. However, if you are not satisfied with the way your complaint has been dealt with, you may refer your complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

Finally, please note that the meeting of the Complaints Panel and the related documentation must be treated as confidential by all parties, including yourself.

Yours sincerely,

CHAIR OF THE COMPLAINTS PANEL

Model Letter Responding to Serial or Persistent Complaint

Dear Mr/Mrs X,

SCHOOL NAME – STAGE 2 COMPLAINT

In response to your complaint regarding, I must inform you that we will no longer be responding to letters, emails or telephone calls from you on this particular subject.

Since the school's Complaints Procedure has been completed, you have contacted us several times outlining your case and asked us to re-consider your complaint. We have explained that we are unable to do so and directed you to contact the School Complaints Unit at the Department for Education. There is now nothing more we can say or do to help you with this issue.

I hope you will understand that this decision has not been taken lightly. If you write to us on any other subject, we will reply as usual.

Yours sincerely,

CHAIR OF THE GOVERNING BODY