

How to run an effective complaints review panel

Step 2 - a five question approach

How to use this document

The approach below is intended to try to help panel members see the wood for the trees when reviewing the evidence and making its decision.

Once it's clear what the complaint is and what the actions that might help to resolve it are, the panel needs to decide if the complaint should be upheld in whole or in part using the evidence. To do this an approach is needed which recognises that need to look separately at the events that led to the original concern and then how this was then managed by the headteacher at the various stages.

1. If the complaint is about the school's mismanagement of the incident that led to the original concern, is this justified?

Often the complainant won't necessarily specify a particular breach of policy or procedure as being the reason for their dissatisfaction. Nevertheless, in "considering the matter afresh" the panel will need to work out whether the school and then the headteacher have acted properly. In other words what should they have done, and did they do it?

So, for example, the panel may need to establish from the facts exactly which paragraph or phrase in the school's policy, procedure or rules has been broken by the school. So, for example, if the complaint results from a parent believing that a pupil has been unfairly sanctioned under the behaviour policy and the concern and complaint was not upheld by the school then the panel would first need to decide if the decision to sanction was properly made in line with the behaviour policy and the principles of administrative law.

2. If the complaint is about the outcome of the original concern and first formal complaint, is this justified?

This might be because the school rejected the concern and complaint outright. Alternatively the school might have accepted that the actions by the school that lead to the complaint were wrong but nevertheless has failed to provide a satisfactory response.

So the panel needs to ask itself some questions to see if the school has acted wrongly :

- Was the outcome consistent with the school taking the concern and complaint seriously?
- Did the outcome follow school policies and procedure?
- Did the outcome include taking suitable actions? For example, did it include making changes to policy or practice as appropriate to reduce the chances of a reoccurrence. Did it include the acknowledgment of mistakes made? Did it provide reassurance to the complainant that that it would not happen again?

So, using the earlier example let's say that it was accepted by the headteacher that the child had been unfairly sanctioned but the school did not apologise to him properly and kept the sanction on the pupil record.

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3. If the complaint is about the way that the original concern and the first formal complaint were handled, is this justified

Do the facts show that the school didn't follow the complaints policy and procedure?

- did the school manage the informal and formal stages appropriately in line with school policy and in a timely and non-adversarial way?
- did it accept responsibility?
- did it conduct a full and unbiased investigation?
- did the school take action and make changes to policy and/or practice as appropriate to reduce the chances of a reoccurrence?
- did the school effectively communicate with the complainant in a timely way throughout the process?

So, taking our earlier example, if the complaint also suggests that the initial concern and subsequent first formal complaint were not handled properly by the school then the panel will need to decide if the facts show this to be the case.

4. Do the facts show that the decisions taken by the school, and which prompted the complaint have been made in accordance with the principles of administrative law.

Even if the complainant does not specifically allege any of these things in a legalistic way the panel should ask itself these questions in order to "consider the complaint afresh". In addition, the answers will help inform any actions that it includes in its final decision to resolve the complaint.

5. In conclusion, is the panel satisfied that the evidence shows that the dissatisfaction of complainant is justified in relation to any aspect of the complaint?

If satisfied, then it must **uphold** the complaint in relation to that aspect.

If not satisfied, then it must **dismiss** the complaint.