

How to run an effective complaints review panel

Tricky situation 6

How to use this document

This provides more guidance as to how to manage the situation where the complainant or the headteacher doesn't want to attend the panel meeting.

What if the headteacher does not wish to attend the meeting in person?

1. Check the legal position

It may on the face of it appear to be a reasonable request for the governors to expect the headteacher to attend the complaint review panel. Your policy may also stipulate that their attendance is required. Dealing effectively with complaints is an essential element of the headteacher's role and the governing board holds the headteacher to account and can expect them to be available to explain how their actions have followed school policy and procedure.

However, there may be good reason for the headteacher not wishing to attend the meeting. This may include, for example, previous confrontational or worse behaviour from the complainant. It may also be the case that the presence of the headteacher and the complainant together may hinder or jeopardise the effective hearing of the complaint.

However, if the headteacher does not attend this raises other questions:

- a. Will this prejudice the complainant – he or she will not be able to ask questions of the headteacher?
- b. Will this prejudice the school - if the complainant attends and is able to present additional evidence that cannot be responded to by the headteacher?

Should the panel decide that the hearing should proceed only on written submissions?

2. Make a decision

In each situation it will be for the panel chair to decide on this, taking into account the particular circumstances surrounding the complaint and the board's responsibility for the mental health and wellbeing of the headteacher.

3. Is a courageous conversation with the headteacher needed?

If the headteacher unreasonably refuses to attend, then this may prompt the need for a courageous conversation and possibly disciplinary or capability action.

4. If in doubt seek further advice

If unsure how to proceed, advice should be sought from the local authority, trust or other appropriate body and it may be that in some cases it would be prudent to seek professional legal advice.

5. Keep parties informed and keep a record

The chair should keep a record of what happens and keep parties informed of the position, including confirming in writing to the headteacher what their expectations are and anything that has been agreed or not agreed. If the headteacher is refusing to attend then it would be sensible to ask for written reasons as to the refusal.