



Kemnal  
Technology  
College



# INTERNAL APPEALS PROCEDURE

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Kemnal Technology College by:

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**STAGES OF THE PROCEDURE**

It is in everyone’s interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complaint and the College can be crucial in determining whether the complaint will escalate. To that end, staff should know the Complaints Procedure so they know what to do should they receive a complaint. A Complaints Coordinator may be appointed to assist with hearing complaints at the first stage. A complaint may be made in person, by telephone or in writing, but it may be helpful to use the standard form attached at appendix 1. The College procedure will make clear the time limit within which a complaint must be made. Time also needs to be allowed for the Headteacher to implement any changes following a complaint being upheld. A flow chart of suggested stages can be found at appendix 2.

*\*\*Please note that appeals for BCS (The chartered institute for IT) ECDL exams, should be made within 20 days of your final assessment.*

**STAGE ONE: COMPLAINT HEARD BY STAFF MEMBER**

The Complaints Coordinator should receive complaints in the first instance. Normally the parent would be directed to take the complaint to the member of staff involved. The views of a complaint who indicates that he/she would have difficulty discussing a complaint with a particular member of staff should be respected and in these cases, the complaint can be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complainant may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.



Where the complaint concerns the Headteacher, the complainant should be advised to write to the Chairman of Governors directly.

Where the first approach is made to a Governor, he or she should refer the complainant to the Complaints Coordinator and advise the parent about the College's procedure. Individual Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on Panel at a later stage of the procedure. Most complaints will be resolved at this informal stage.

### **STAGE TWO: COMPLAINT HEARD BY HEADTEACHER**

The Headteacher's influence will already have shaped the way complaints are handled in the College. At this point, however, as well as pursuing their initial complaint, the complainant may be dissatisfied with the way the complaint was handled in stage one.

The Headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The Headteacher should investigate the complaint, review all the information and discuss the findings, together with any recommendations or apology, with the complainant. Reconciliation should be achieved at this stage. If the complaint relates to the all alleged conduct or capability of a member of staff, which could result in disciplinary action, the complaints process should be replaced by appropriate line management and disciplinary procedures. **As almost all complains concern the day to day management of the College, few matters should need to go further.**

### **STAGE THREE: COMPLAINT HEARD BY GOVERNING BODY'S COMPLAINTS APPEAL PANEL**

If the complainant remains dissatisfied, he/she should write to the Chairman of Governors giving details of the complaint. Sometimes the Chairman will be able to diffuse the situation at this point, by speaking with or writing to the complainant and reassuring him or her that the College has taken the complaint seriously. This may be sufficient to satisfy the complainant. Should, however, this prove not to be the case, the Chairman, or a nominated Governor, will convene a Governing Body Complaints Appeal Panel. The Panel can be drawn from the nominated members and may consist of three or five Governors. If the Chairman has heard the complaint informally as described above, the Chairman must not, of course, participate in the Panel Hearing. The Panel may choose its own Chairman. Individual complaints should never be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governors' appeal hearing is the last College-based stage of the complaints process, and is not convened merely to rubber stamp previous decisions. The procedure adopted



by the Panel for hearing appeals would be part of the College's Complaints Procedure and is set out at Appendix 3.

## **THE REMIT OF THE COMPLAINTS APPEAL PANEL**

The Panel can:

- ❖ Dismiss the complaint in whole or in part
- ❖ Uphold the complaint in whole or in part
- ❖ Decide on the appropriate action to be taken to resolve the complaint
- ❖ Recommend changes to the College's system or procedures to ensure that problems of a similar nature do not recur

There are several points which any Governor sitting on a Complaints Appeal 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 Governors may sit on the Panel if he or she has had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, Governors need to try and ensure that it is sensitive to issues of race, gender and religious affiliation.

b) The aim of the hearing, which should be held in private, will always be to resolve the complaint and achieve reconciliation between the College and complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome, if the hearing does not find in his/her favour. It may, however, be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.

c) An affective 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 Panel Chairman 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 that setting appears appropriate and not adversarial.

d) The Governors sitting on the Panel need to be aware of the entire complaints procedure.

A checklist for a Panel Hearing is attached at Appendix 3.

## **ROLE AND RESPONSIBILITIES**

### **THE ROLE OF THE CLERK**

The Complaints Appeal Panel should be clerked. The Clerk would be the contact point for the complainant at the third stage and be required to:



- ❖ Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- ❖ Collate any written material and send it to all the parties in advance of the hearing
- ❖ Meet and welcome the parties as they arrive at the hearing
- ❖ Record the proceedings
- ❖ Notify all parties of the Panel's decision

### **THE ROLE OF THE CHAIRMAN OF THE GOVERNING BODY OR THE NOMINATED GOVERNOR**

- ❖ Check that the complaints procedure has been correctly followed to this point
- ❖ If a hearing is appropriate, notify the Clerk to arrange the Panel

### **THE ROLE OF THE CHAIRMAN OF THE PANEL**

Ensure that:

- ❖ 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
- ❖ The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- ❖ Parents and others who may not be used to speaking at such a hearing are put at ease
- ❖ The issues are addressed
- ❖ Key findings of fact are made
- ❖ The hearing is conducted in an informal, although structured manner, with each party treating the other with respect and courtesy
- ❖ 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 all parties should be given the opportunity to consider the comment on it
- ❖ The Panel is seen to be open minded and acting independently

### **NOTIFICATION OF THE PANEL'S DECISION**

The Chairman of the Panel should ensure that the complainant and the Headteacher are notified of the Panel's decision, in writing within a set deadline, which is publicised in the procedure. The letter needs to explain that any further appeal should be addressed to the Secretary of State.

*Note: This model is based on a procedure published by the Department for Education and skills, arising from Section 29 of the Education Act 2002 and recommended to Governing Bodies, as approved by Bromley Council on 22 March 2004.*



## **KEMNAL TECHNOLOGY COLLEGE NOTIFICATION OF A COMPLAINT**

Please complete and return to..... (Complaints Coordinator) who will acknowledge receipt and explain with action will be taken.

**YOUR NAME:**

**STUDENT'S NAME:**

**YOUR RELATIONSHIP TO THE STUDENT:**

**ADDRESS:**

**POST CODE:**

**DAY TIME TELEPHONE NUMBER:**

**EVENING TELEPHONE NUMBER:**

**PLEASE GIVE DETAILS OF YOUR COMPLAINT:**

**WHAT ACTION, IF ANY, HAVE YOU ALREADY TAKEN TO TRY AND RESOLVE YOUR COMPLAINT.  
(WHO DID YOU SPEAK TO AND WHAT WAS THE RESPONSE?)**



**WHAT ACTIONS DO YOU FEEL MIGHT RESOLVE THE PROBLEM AT THIS STAGE?**

**ARE YOU ATTACHING ANY PAPERWORK? IF, SO PLEASE GIVE DETAILS.**

**SIGNATURE:**

**DATE:**

**OFFICIAL USE**

**DATE OF ACKNOWLEDGEMENT SENT:**

**BY WHO:**

**COMPLAINT REFERRED TO:**

**DATE:**

**THIS FORM NEEDS A CONTINUATION SHEET TO ENABLE THE COLLEGE TO RECORD THE ACTIONS TAKEN AND THE FINAL OUTCOMES.**



**ACTIONS AND FINAL OUTCOMES:**





## **KEMNAL TECHNOLOGY COLLEGE COMPLAINTS PROCEDURE CHECKLIST FOR A PANEL HEARING**

The panel need to take the following points into account:

- ❖ The hearing, while structured, is conducted as informally as possible.
- ❖ 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 witness
- ❖ The Headteacher may question both the complainant and the witnesses after each has spoken
- ❖ 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 College's actions and response to the complaint
- ❖ Both parties leave together while the Panel decides on the issues
- ❖ The Chairman explains that both parties will hear from the panel within a set timescale

*Updated: November 2023*

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### KEMNAL TECHNOLOGY COLLEGE COMPLAINTS PROCEDURE FLOWCHART

