



ILKLEY GRAMMAR SCHOOL

AN ACADEMY TRUST

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# Complaints Policy

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	Position/Committee	Date
Prepared by	HR Manager	June 2017
Approved by	Headteacher	July 2017
To be Reviewed	Headteacher	July 2020

FOR WEBSITE



# **ILKLEY GRAMMAR SCHOOL**

## **DEALING WITH COMPLAINTS**

### **RATIONALE**

Every well governed and well managed academy will from time to time have to deal with complaints relating to aspects of the academy and any community facilities or services that the academy provides. There is a difference between a concern and a complaint: taking informed concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Most complaints are resolved informally by the academy staff and Headteacher; where they cannot be, formal procedures will follow.

Complaints must be presented within three months of the action or matter to which the complaint refers.

### **OBJECTIVES**

1. To allow for swift handling of complaints within established time-limits and keeping people informed of the progress.
2. To ensure any complaint is handled within the law.
3. To ensure this policy and procedure is understood by staff and governors.
4. To ensure that any complainant is given fair treatment and a chance to state their case either in person or writing.
5. To address all the points at issue and provide an effective response and appropriate redress where necessary.
6. To ensure sensitivity in handling potentially stressful situations.
7. To respect people's desire for confidentiality.
8. To ensure this Complaints Policy is published on the school's website.

### **GUIDELINES**

Wherever possible, complaints will be dealt with at the informal stage in an attempt to resolve them as quickly as possible with the most appropriate member of staff or senior leader.

Only if the complainant is dissatisfied with the outcome or the matter cannot be resolved by the individual should the matter be referred to the formal stage, with a member of the senior leadership team.

Where a complaint is initially sent to the Chair of Governors s/he should refer the matter to the Headteacher for it to be dealt with under the procedures below.

## **Exceptions**

There are two exceptions to the procedure above:

1. a complaint may appear to be sufficiently serious that it should be referred straight through to the formal procedure, or
2. a complaint may clearly relate to breaches of discipline by a staff member, in which case this procedure would not apply and personnel advice should be sought.

## **INFORMAL STAGE**

If initial communication with the member of staff directly involved in the complaint cannot bring about a resolution, or the complainant feels it is more appropriate to refer the matter directly to a line manager, then the informal stage of this policy will commence.

### Complaint heard by line manager / other manager

- The complainant should be given the opportunity to discuss their concerns with an appropriate more senior member of staff.
- In most cases, concerns and complaints are resolved at this early part of the informal stage.
- If the complaint remains unresolved the manager should advise the complainant that they may make a formal complaint to the Headteacher detailing:
  1. The reasons for their complaint.
  2. Why they believe it is unsuccessfully resolved and;
  3. What actions they believe would bring about a resolution.

## **FORMAL STAGE I**

### Complaint heard by Headteacher / designated member of Senior Leadership Team

Any complaint submitted to the Headteacher should be in writing and the Headteacher will appoint an investigative officer – either themselves or another member of the Senior Leadership Team - to formally investigate.

Any complaint about the Headteacher should be made directly to the Chair of Governors. In any such case the Headteacher's role in the above procedures will then be undertaken by a Governor designated by the Board of Governors.

Once the written complaint is with the Headteacher's appointed Investigative Officer, they will ensure that the member of staff concerned is confidentially fully acquainted with the nature of the comments and informed of their right to be accompanied by a friend or union representative in any formal investigation proceedings at the earliest opportunity. The Investigative Officer is fully responsible for looking into the matter and normally has fifteen working days to investigate and consider whether the complaint is substantiated.

The Investigative Officer will respond in writing to the complainant, normally within ten working days of the completion of the investigation, outlining their findings and detailing any actions to be taken as appropriate, in order to resolve the complaint.

If this investigation and subsequent written response does not resolve the complaint the complainant can refer it to the next stage.

## **FORMAL STAGE 2**

### Complaint heard by Governors' Complaints Committee

Details of the complaint should be submitted in writing to the Chair of Governors who will liaise with HR and convene a complaints panel of at least 3 people who were not directly involved in the matters detailed in the complaint, including one panel member who is independent of the management and running of the school.

At this stage (the appeal) no further matters can be added to the original complaint.

The Committee is responsible for investigating the complaint and will respond in writing to the complainant, normally within fifteen working days (unless the extent of the issues raised or access to students or staff because of absence or other reasons, make this impossible).

- The Complaints Committee should try to meet as soon as possible after the complaint is received to agree and be clear about what needs to be done and draw up a timetable for doing it.
- The Chair of the Complaints Committee should write to the person making the complaint to:
  - a) explain that the Committee is now dealing with the complaint
  - b) confirm that the Committee has received a copy of the written complaint
  - c) set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
  - d) set out the Committee's timescales for dealing with the complaint
  - e) invite the person making the complaint to meet the Committee to give full details of their complaint, and inform them they may be accompanied by a friend or representative
  - f) set a reasonable deadline for reply by the person making the complaint and make it clear that if there is no response by this deadline the Committee will proceed on the basis of the information it already has.
- If the person making the complaint accepts the invitation to meet the Committee, arrangements should be made to make this as easy as possible. The Committee may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.
- The Committee should also write to the person(s) complained of informing him/her of the complaint and explaining that they will be given the opportunity to give their version of events.

**The purpose of all the above is to find out precisely what the complaint is about and to inform the complainant of the procedure and timescale, in order for the panel to make findings and any recommendations.**

## **Making the decision**

- The Complaints Committee must make their decision on the basis of the information in their possession.
  - It may be possible for the Complaints Committee to recommend changes to school policies or procedures to prevent the same problem happening again in the future
  - They should produce an investigation report which documents their decision. This would need to be produced if the complainant was to refer the matter to the Secretary of State.
  - The possible decisions that the Complaints Committee can make include:
    - a) dismiss the complaint in whole or in part;
    - b) uphold the complaint in whole or in part;
    - c) decide on the appropriate action to be taken to resolve the complaint;
    - d) recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.
  - This report is usually written by the Chair of the Committee.
  - The investigation report will be brief and will usually keep the names of the student, parents and people interviewed confidential. Its purpose is to:
    - a) summarise the evidence gathered
    - b) give the decisions made by the Complaints Committee
    - c) give any recommendations made by the Complaints Committee to prevent a similar problem happening again.
  - Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.
  - In very few cases it could happen that one of the recommendations is for the school to hold a formal disciplinary investigation to find out if staff disciplinary action is necessary. In this case the Complaints Committee should seek the advice of HR before the investigation report is issued.
  - The decisions and recommendations of the Committee should be:
    - a. Sent to the person making the complaint with the information that if the Board of Governors' response has failed to satisfy the person making the complaint he or she may complain to the Secretary of State for Education on the grounds that the Board of Governors has failed to discharge its statutory duties
    - b. Sent to the Headteacher
    - c. Sent to the person(s) complained of.
- 5.** A complaint may be made to the Secretary of State if a person believes that a Board of Governors is acting 'unreasonably' or is failing to carry out its statutory duties properly (Sections 496 and 497 Education Act 1996). However, intervention can only occur if the Board of Governors has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Secretary of State could instruct either party to do to put matters right. The Secretary of State must be satisfied that a decision is unreasonable in the sense that no reasonable authority or Board of

Governors, acting with due regard to its statutory responsibilities, would have reached that decision.

### **Reporting back the decision**

- The outcome of the complaint should be reported back to the Board of Governors, for information only, as with any delegated decision.
- The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be given. No names should be given in the report back.