



ILKLEY GRAMMAR SCHOOL

AN ACADEMY TRUST

Complaints from Parents and Carers

	Position/Committee	Date
Prepared by	Headteacher and Senior HR Manager	November 2012
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FOR WEBSITE



ILKLEY GRAMMAR SCHOOL

DEALING WITH COMPLAINTS FROM PARENTS/CARERS

RATIONALE

Every well governed and well managed academy will from time to time have to deal with parental/carer complaints or those from students aged 18 and over 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 set up a Governors' Complaints Committee.
7. To ensure sensitivity in handling potentially stressful situations.
8. To respect people's desire for confidentiality.
9. To ensure the Complaints Procedure is published to parents and new parents.

GUIDELINES

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

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 the Headteacher.

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.

There are four well-defined stages: (See flowchart in Annex A)

INFORMAL STAGE

1. Complaint heard by member of staff (not the subject of the complaint)
 - Parents should be given the opportunity to discuss their concerns with an appropriate member of staff, such as the Curriculum or Year Leaders.
 - In many cases parents' concerns and complaints are resolved at this early part of the informal stage.
 - If the concern remains unresolved the staff member should advise the parent that they may complain to the Headteacher.

2. Complaint heard by Headteacher
Any complaint submitted to the Headteacher must be in writing (see Complaints Form: Annex B. See Annex C for an example of a complaints procedure)

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, they will ensure that the member of staff is fully acquainted confidentially at the earliest opportunity (no longer than two working days after the receipt of the complaint) with the nature of the comments and informed of their right to be accompanied by a friend or union representative. The Headteacher is responsible for looking into the matter and has fifteen working days to investigate and consider whether the complaint is substantiated. The Headteacher will respond in writing to the complainant, normally within ten working days of the investigation. If this preliminary investigation shows the complaint may have substance and cannot be resolved then it will be referred to the next stage: the Governors' Complaints Committee.

FORMAL STAGE

3. Complaint heard by Governors' Complaints Committee

Details of the complaint should be submitted in writing to the Chair of Governors and the Committee convened.

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 any 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.

Investigating the complaint

- The Committee must meet to discuss the complaint and decide what information they need, who they may need to interview in addition to the person(s) complained of and what questions will need to be asked.
- The interviews can proceed with prepared questions followed by other questions if necessary, and the people being interviewed should be asked if they have anything to add. Answers to the questions should be carefully recorded and the people being interviewed should be asked to sign the record of answers.
- The investigation is not a staff disciplinary investigation.
- Following interviews with staff it may be necessary to ask for further information from the person making the complaint.
- The complainant and the person(s) who is the subject of the complaint should be informed if there is any delay in the investigation process.
- When the Complaints Committee is satisfied that it has all the available information it will consider the complaint and all the evidence. Governors serving on the Committee will reach a decision by majority if necessary and should decide what should be done to resolve the complaint.
- 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.

Making the decision

- The Complaints Committee must make their decision on the basis of the information in their possession.
- 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.
- 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 Board of Governors 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 the Academy HR provider before the investigation report is issued to the Board of Governors.

- 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 and Skills 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.

4. 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

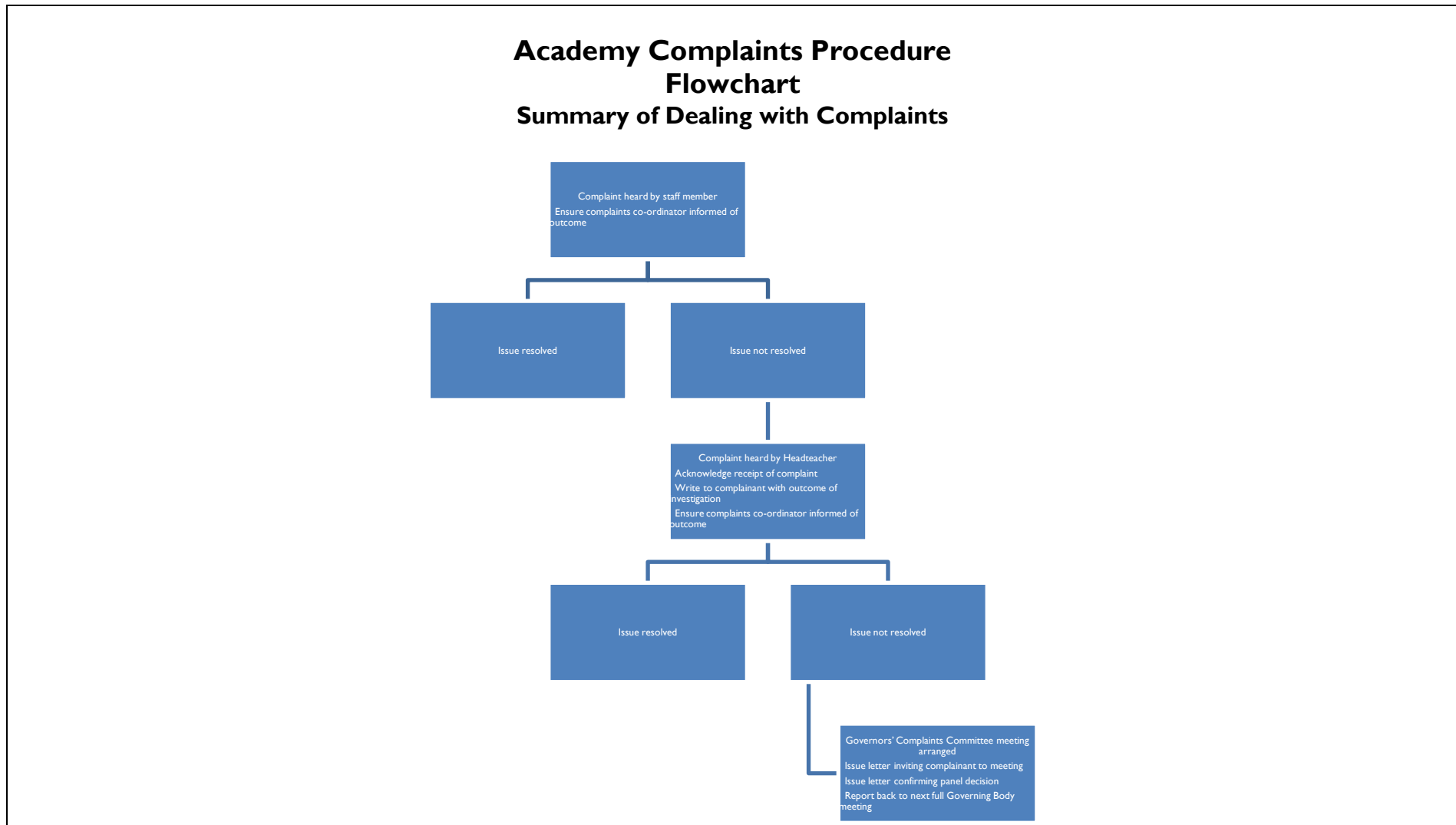
- The outcome of the complaint should be reported back to the Board of Governors, for information only, as with any delegated decision.
- The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be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

- Annex A: Complaints Flowchart
Annex B: Exemplar Complaints Form
Annex C: Exemplar Complaints Procedure

Flowchart: Summary of dealing with complaints

Annex A

INSERT FLOW CHART I



Academy Complaints Procedure

Annex B

Example of a Complaint Form

Please complete and return to (complaint's co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime 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 acknowledgement sent:

By who:

Complaint referred to:

Date:

Academy Complaints Procedure

Annex C

An example of a Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they know what to do when they receive a complaint.

It would assist the procedure if the academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant 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 first approach is made to a governor, the next step would be to refer the complainant to the Headteacher and advise them about the procedure. It would be useful if governors did 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 a panel at a later stage of the procedure.

Stage Two: Complaint heard by Headteacher

The Headteacher's influence will already have shaped the way complaints are handled in the academy. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint heard by Board of Governors' Complaints Appeal Committee

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a Board of Governors complaints committee.

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

Individual complaints would not be heard by the whole Board of Governors 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 Board of Governors may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the committee for hearing appeals would normally be part of the academy's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

The remit of the Complaints Appeal Committee

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 academy's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only 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 effective committee 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 committee Chair 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 the setting is informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The governors sitting on the committee need to be aware of the complaints procedure.

Roles and Responsibilities

The role of the Clerk

The Department strongly recommends that any committee or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant 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 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 committee's decision.

The role of the Chair of the Board of Governors or the Nominated Governor

The nominated governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the committee.

The role of the Chair of the Committee

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

- the remit of the committee is explained to the parties and each party has the opportunity of putting their case 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. If new evidence arises in connection with the initial complaint it would be useful to give all parties the opportunity to consider and comment on it. Any new issues not related to the initial complaint would be dealt with as a separate complaint.**

Notification of the Committees Decision

The Chair of the Committee needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.