

# North Halifax Grammar School

## Complaints Policy & Procedure



<b>Approved by:</b>	Principal
<b>Date approved:</b>	6 <sup>th</sup> February 2019
<b>Next review:</b>	Spring Term 2022
<b>Policy owner:</b>	Personnel Officer

This policy does not cover certain types of complaints, which are dealt with under separate procedures.

These are:

- Any complaint relating to child protection, which will be dealt with under our Safeguarding Policy;
- SEND complaints – addressed under the SEND Policy;
- Complaints by staff – addressed under the Academy’s Grievance Policy or other personnel policies;
- Admissions – addressed under the Admissions Policy;
- Whistle-blowing – (matters of impropriety e.g. a breach of law, Academy procedures or ethics) – addressed under the Whistleblowing Policy.

## **Aims**

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible, including via the Academy website, and publicised, including to third parties who hire Academy premises;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time-limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people’s desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the Academy’s Leadership Group so that services can be improved.

## **Scope**

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal Complaints Procedure is only necessary if efforts to resolve concerns informally are unsuccessful.

Our formal procedures are invoked when initial attempts to resolve concerns are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further (see appendix A and appendix B).

## **Procedures**

The Academy Trust has overall responsibility for the operation and management of the Academy’s Complaints Procedure. Such responsibility is delegated by the Academy Trust to the Principal. However, in practice, the Principal delegates the Complaints Co-ordinator role to the Personnel Officer to deal with matters on a day-by-day basis and to hold records relating to any complaints received.

The contact details of the Complaints Co-ordinator are readily available from the Academy website or from the Academy’s School Office or from any member of staff. Complaints from anyone who is not a parent of a pupil currently attending the Academy should be addressed to the Principal in the first instance.

Attempts will be made to resolve difficulties informally with the relevant member(s) of staff. The informal stage of the procedure must be exhausted before the matter is referred to the formal stage and a Complaint Form issued (see appendix B). If any substantial complaint is made to a member of staff by a parent it should be referred to the Complaint Co-ordinator or Principal, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

## **Stages in the Procedure (Appendix A)**

There are three stages in the Academy's complaints procedure. See appendix A for a flow chart. At each stage in the procedure, we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school policies in light of the complaint.
- Any other remedy considered to be appropriate taking into account the circumstances

We encourage those raising concerns or complaints to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

### **Stage 1 – Informal – Concern heard by Staff Member(s) (Appendix A)**

In this stage, the relevant staff member(s) will deal with the concern(s) raised. Most concerns can be adequately resolved by discussion with the member(s) of staff. There may be no need for a formal complaint to be made in writing which may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. There is no absolute time-scale for resolution at this stage, given the importance of dialogue through informal discussion. It would be expected though that most issues would be resolved within 5 school days of the date the initial concern was communicated to a member of staff.

Once a concern has been raised, you will be invited to attend an informal meeting with a staff member to discuss your concerns.

You are welcome to bring a friend, partner, supporter or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that parents understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that parental concerns are dealt with appropriately and efficiently but if an agreement cannot be reached parents (or appropriate others) are requested to complete the Complaints Form (appendix B) and return it to the Academy within five school days. The Principal will be informed and Stage 2 will be implemented. This can only commence once the complainant has exhausted the process as set out in Stage 1 under appendix A.

### **Stage 2 – Formal– Complaint heard by Principal or Complaint Co-ordinator (Appendix A)**

If the concern is not met to the complainant's satisfaction by discussion with the staff member(s), then the complainant must put the complaint in writing using the Complaints Form (appendix B).

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint will make sure that they:

- Establish what has happened so far and who has been involved;

- Clarify the nature of the complaint and what remains unresolved;
  - Meet with the complainant or contact them (if unsure or further information is necessary);
  - Clarify what the complainant feels would put things right;
  - Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - Conduct the interview with an open mind and be prepared to persist in the questioning;
  - Keep notes of the interview.
- The Complaint Co-ordinator, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
  - The Complaint Co-ordinator will consider the complaint but it will be the Principal who will decide what action is required and respond to the complainant with the outcome of the investigation, within ten school days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.
  - When a response is initially provided at a meeting the Principal will thereafter respond to the complainant in writing within 5 school days outlining their response to the complainant's concern, and any action that has or will be taken. If it is decided not to take any further action on the issue, the Principal or the Complaint Co-ordinator will explain what they have decided, how they have reached this decision, and will outline your right to take the matter further and the steps to be taken.
  - The complainant has the right to have the matter referred to the Governors' Complaints Appeal Panel if the outcome of Stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is five school days from the date of the initial written response to the complaint. Any such request by a complainant should be addressed to the Clerk to the Governance Board for the attention of the Chair of the Governance Board and the Governors' Complaints Appeal Panel will then be convened.

Note - if a complaint concerns the conduct of the Principal or a Governor, or where the Principal or Governors have been involved in the issue previously, then the matter will be referred to the Personnel Officer or a member of the Governance Board not previously involved. In some circumstances, the Academy reserves the right to refer the matter to an external body.

### **Stage 3 – Formal – Governors' Complaints Appeal Panel Meeting**

#### **(Appendices A, B & C)**

When the Clerk to the Governance Board receives the request for the Governors' Complaints Appeal Panel to meet:

- The complainant will be informed by the Clerk of the new timescale for the investigation within 14 school days (however, the length of the investigation will depend on the nature of the complaint and other variable factors). If the investigation is likely to exceed 14 school days, the school will set realistic time limits for each action within the stage. Where such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.
- A Governors' Complaints Appeal Panel will be assembled comprising of three people, who were not directly involved in the matters detailed in the complaint, and one of whom will act as Chair for the meeting. The meeting will additionally have a Clerk in attendance. One of the members of

the panel must be independent of the school, for example, a governor or senior member of staff from other Academy.

- The Clerk will write to the complainant, the Principal, the Chair of the Governance Board and appeal panel members giving details of the meeting, requesting copies of any documents and/or further representations to be put before the meeting and the names of any witnesses that either party may wish to attend.
- The Clerk will ensure that all parties to the appeal have access to the same documentation and set out a timetable to support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the Governors' Complaint Appeal Panel by both parties at least 5 days before the Appeal Panel hearing.
- The Clerk will inform the complainant of the right to be accompanied by a friend, advocate or supporter but the Clerk must be notified in advance of the hearing whether the complainant will be accompanied and who that person is.

The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing (see appendix C) will be sensitive and appropriate for the circumstances and is at the discretion of the Chair of the Governors' Complaints Appeal Panel.

After the hearing the Clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within five school days so that no additional complaints will arise because of the record of the meeting.

The panel can:

- Make findings and recommendations
- 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 procedures to ensure that similar problems do not recur.

The Governors' Complaints Appeal Panel's decision is final.

A copy of the findings and recommendations of the panel will be sent by letter (electronic mail is acceptable) to the complainant and, where relevant, to the person complained about, and will be available for inspection on the Academy's premises by the Principal and the Academy Trust.

The Chair of the Complaints Appeal Panel will notify the complainant, via the Clerk to the Governance Board, of the panel's decision in writing within 5 school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision.

The letter may set out recommendations which will be made to the Governance Board and will set out any further rights of appeal.

If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of the Governance Board will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they must complete the form available at:

[https://form.education.gov.uk/fform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

The complaint will be directed to the Education Funding Agency (EFA) who will not overturn the decision about the complaint but will check whether:

- There has been undue delay in the proceedings;

- That the procedures in the Academy's policy and other relevant policies were followed correctly;
- That the Academy has complied with its funding agreement with the Education Secretary;
- That the policy meets all legal requirements.

Complaints to the EFA may also be sent to:

Providers, Standards and Intervention  
 Education Funding Agency  
 Earlsdon Park  
 53–55 Butts Road  
 Coventry  
 CV1 3BH

### **Recording Complaints**

The progress of any complaint that proceeds to Stage 2 or beyond (for the avoidance of doubt this means any complaints made in writing in accordance with the formal complaints procedure) the final outcome will be recorded in writing by the Complaint Co-ordinator. The record will confirm whether the complaint was resolved following a formal procedure, or proceeded to a panel hearing and the action taken by the school as a result of those complaints (regardless of whether they are upheld). These findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the Principal and the Academy Trust.

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing (see appendix A). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

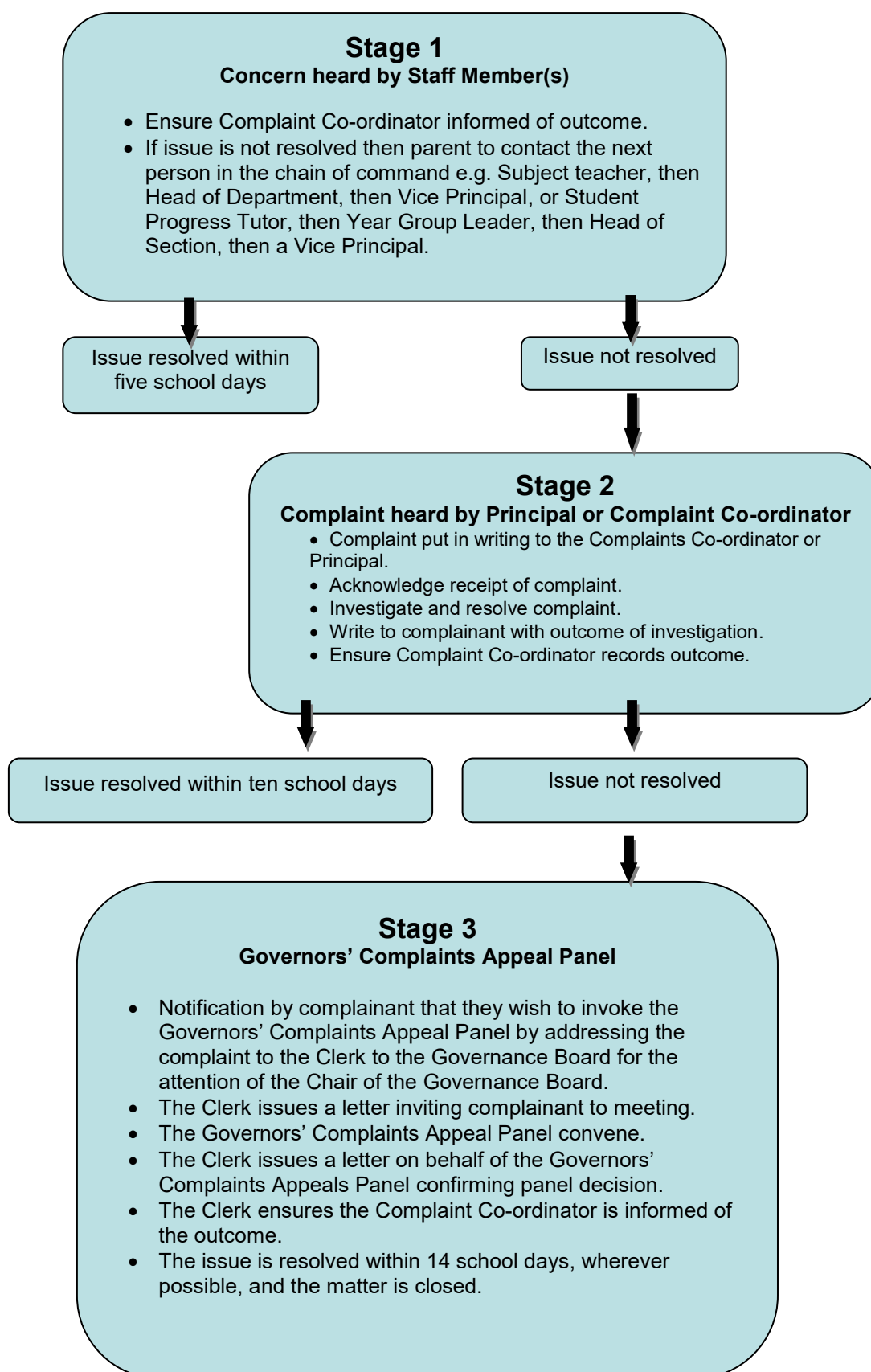
### **Monitoring and Evaluation**

The Governance Board will monitor the level and nature of complaints using the records kept by the Complaint Co-ordinator. Wherever possible, complaints information shared with the whole Governance Board will not name individuals. The policy will be evaluated in the light of complaints made and their resolution. Should the EFA advise the Academy that the policy or procedures need to be amended these will be effected as soon as possible. Where changes in legislation require changes to the policy these will also be introduced as soon as possible.

### **Reviewing**

The Governance Board will review the outcomes of the monitoring exercise on a termly basis to ensure the effectiveness of the procedure and make changes where necessary.

## APPENDIX A: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after Stage 3, the complainant will be advised of how to take their complaint further if they so wish (details are set out on pages 5 and 6 of this policy).

## APPENDIX B: COMPLAINTS FORM

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your name:	
Student's name:	
Your relationship to the student	
Address:	
Postcode:	
Daytime telephone number:	
Evening telephone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try to 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	
<b>Date acknowledgement sent:</b>	
<b>By whom:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	

## **APPENDIX C: CHECKLIST FOR A COMPLAINTS APPEAL PANEL HEARING**

The Governors' Complaints Appeal Panel needs to take the following points into account:

- The hearing is as informal 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 witnesses;
- The Principal and Complaints Appeal Panel may question both the complainant and the witnesses after each has spoken;
- The Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses;
- The complainant and the Complaints Appeal Panel may question both the Principal and the witnesses after each has spoken;
- The complainant is then invited to sum up their complaint;
- The Principal is then invited to respond to set out the Academy's actions and the response to the initial complaint
- The complainant will be entitled to a final reply
- The Chair will explain that both parties will hear from the panel within 5 working days.
- Both parties leave together while the panel decides on the issue;
- The Clerk will stay to assist the panel with its decision making.

## APPENDIX D: PERSONNEL

<b>Complaint Co-ordinator</b>	Mrs Katie Morris <a href="mailto:k.morris@nhgs.co.uk">k.morris@nhgs.co.uk</a>
<b>Principal</b>	Mr Andrew Fisher <a href="mailto:a.fisher@nhgs.co.uk">a.fisher@nhgs.co.uk</a>
<b>Clerk to the Governance Board</b>	Mrs Paula Wright <a href="mailto:p.wright@nhgs.co.uk">p.wright@nhgs.co.uk</a>  The North Halifax Grammar School Moorbottom Road Illingworth Halifax HX2 9SU  Tel: 01422 244625