



Queen Elizabeth's Grammar School, Ashbourne Academy

Complaints Procedure for External Complaints about the Actions of Academy Staff

Principles

Section 29 of the Education Act 2002 requires Governing Bodies of maintained schools to have in place a procedure for dealing with complaints relating to the academy and to any community facilities or services that the academy provides.

There is a clear distinction between a complaint and a concern and the requirement to have a complaints procedure does not in any way undermine efforts to resolve concerns informally.

This document sets out the procedure for dealing with external complaints made about the actions of academy staff. Complaints or appeals about the curriculum, special educational needs provision, exclusions, admissions, disciplinary action, child protection or criminal investigations are dealt with under separate arrangements.

Anonymous complaints can not be dealt with under this procedure.

Aims

This procedure aims to:

- Encourage the resolution of complaints by informal means wherever possible and practicable;
- Ensure complaints are investigated fully, fairly and impartially and that people are kept informed of progress;
- Ensure complaints are effectively addressed and redressed where necessary and within established time limits;
- Respect confidentiality; and
- Provide information to the academy's management team so that services can be improved.

Practice

Informal Stage

Complaints should initially be directed to the Headteacher who will either:

1. Encourage the complainant and member of staff to discuss the complaint and resolve it informally;

Or

2. If the complainant has already discussed their complaint with the member of staff, or if that would be inappropriate, discuss the complaint with the complainant and resolve it informally, or arrange for a senior manager to do so;

And



3. Where appropriate, inform the Chair of Governors without discussing the nature of the complaint at this stage.

If a School Governor is directly approached by a complainant the Governor will only give general advice about how their complaint might be dealt with. The Governor will encourage the complainant to talk to the Headteacher who will attempt to resolve their complaint informally in the first instance. The Governor will also inform the Headteacher about the complaint as soon as possible.

Should a Governor become involved in this way they can not take part in any of the formal procedures which may follow. Where appropriate they may accompany the complainant to any planned meetings with a member of staff or the Head Teacher. This would normally only be necessary if the complainant is uncomfortable about attending such meetings on their own.

Formal Stage 1

If a complaint cannot be resolved in an informal way and/or the complainant still remains unhappy, the Headteacher will deal with the complaint formally. The Headteacher will ask the complainant to put their complaint in writing, stating that they wish to make a formal complaint.

The letter should include:

- Their name;
- The nature of their complaint; and
- How they can be contacted.

The Headteacher will:

- Acknowledge this letter within two working days;
- Investigate the complaint and then decide how best to resolve it within a further five working days;
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This will be within two working days of completing the investigation;
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Chair of Governors at Formal Stage 2;
- Inform the Chair of Governors that a formal complaint has been received and what action will be taken to provide a response without discussing the nature of the complaint at this stage.

If the Headteacher is not able to resolve the complaint and/or the complainant still remains unhappy the complaint will be dealt with at Formal Stage 2.

Formal Stage 2

The complainant will be informed that their complaint has been passed to the Chair of Governors and notified of how to contact them. The complainant should write to the Chair of Governors and that letter should include:

- Their name;
- The nature of their complaint;
- Where appropriate the reasons why they were unhappy with the Headteacher decision; and



- How they can be contacted.

At this stage only the Chair of Governors will be involved, as other Governors may have to listen to any subsequent hearings which may result from an investigation of the complaint.

The Chair of Governors will:

- Acknowledge the letter within two working days;
- Conduct an investigation and speak to everyone involved as soon as practicable. This will usually be within ten working days;
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint, as well as offering the complainant the opportunity to discuss the outcome if appropriate. This will be within two working days of completing the investigation; and
- Advise the complainant that if they are dissatisfied with the outcome their complaint will be considered by the Complaints Panel of the Governing Body at Formal Stage 3.

If the Chair of Governors is not able to resolve the complaint and/or the complainant still remains unhappy the complaint will be dealt with at Formal Stage 3.

Formal Stage 3 - Governors' Complaints Panel

If the complainant is dissatisfied with the outcome of the Chair of Governor's investigation they should write to the Chair of Governors stating why and request that their complaint be referred to the Complaints Panel of the Governing Body.

The Complaints Panel will comprise three Governors who have not previously been involved in the complaint and/or do not have a personal or pecuniary interest. If deemed inappropriate a Teacher or Staff Governor will not sit on the Complaints Panel.

A meeting of the Complaints Panel will be convened within 10 working days of the request.

At least five working days before the meeting members of the Complaints Panel should receive papers about the complaint which will include as appropriate:

- A copy of the original complaint;
- An outline of any investigation carried out by the Headteacher at Formal Stage 1;
- A copy of the letter sent to the complainant about the outcome at Formal Stage 1;
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 1;
- A copy of the letter to the Chair of Governors requesting an investigation at Formal Stage 2;
- An outline of any investigation carried out by the Chair of Governors at Formal Stage 2;
- A copy of the letter sent to the complainant about the outcome at Formal Stage 2;
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Formal Stage 2; and
- A copy of the letter requesting that the complaint is heard by the Complaints Committee.

The complainant will be invited to attend the meeting to state their case and will be offered the opportunity to be accompanied by a friend or other adult if they wish. Normally children should not attend. If the Complaints Panel thinks that it would be helpful for a child to be present, the Governors will seek the permission of the parents. The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant.



The Headteacher and/or Chair of Governors will be invited to attend the meeting to state their case. They do not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher and Chair of Governors carried out.

The Complaints Panel may invite the Director of Children and Younger Adults Services or their representative to provide advice and guidance. That person will not have any role in deciding the outcome but will advise on whether the procedure has been followed appropriately and on the reasonableness of the Complaints Panel's decision.

The Complaints Panel will consider 2 questions only:

1. Whether the investigation(s) were conducted properly and reasonably; and
2. Whether the outcome was reasonable and appropriate.

If the Complaints Panel answers no to the second question it will decide a different outcome to the complaint.

The Panel will have an opportunity to question the complainant, Headteacher and/or Chair of Governors when they have stated their cases. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome. In the event that further information is needed and it is not available at the time, the meeting may be adjourned and re-convened at a mutually convenient time. This will be as quickly as possible and wherever practicable, within five working days.

When the Complaints Panel has all the information it needs the complainant, Headteacher and/or Chair of Governors will leave the meeting. The Complaints Panel will then reach its decision in private. It will decide:

- Whether the earlier investigation(s) were conducted appropriately and reasonably;
- Whether the decision of the Head Teacher and/or Chair of Governors was reasonable and appropriate; and
- Where necessary an alternative outcome to the complaint.

The complainant will be informed of the Complaints Panel's decisions in writing within two working days.

The decision of the Complaints Panel is Final.

Remit of the Complaints Panel

The Complaints Panel will:

- Consider the complaint in an independent and impartial way and must be seen to do so;
- Consider the complaint in private and confidentially;
- Resolve the complaint and achieve reconciliation between the academy and the complainant;
- Recognise the complainant may not be satisfied with the outcome if it does not find in their favour;
- Establish the facts and make recommendations which will satisfy the complainant that the complaint has been taken seriously;
- Acknowledge that a complainant may feel nervous and inhibited in a formal setting and that parents often feel emotional when discussing an issue that affects their child;



- Ensure the proceedings are conducted in a welcoming and informal atmosphere;
- Take extra care when the complainant is a child, so the child does not feel intimidated;
- Give the views of children equal consideration to those of adults;
- Give the parent(s) of a child the opportunity to say which parts of the hearing, if any, their child needs to attend.

The Complaints 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; and
- Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

Role of the LA

The LA has no statutory role in resolving external complaints about the actions of academy staff.

The LA does have a responsibility to ensure that an appropriate procedure has been followed when academies deal with complaints, particularly if a complainant remains unhappy with the outcome. If a complainant contacts the LA it will only investigate procedure and will not consider the complaint itself. Also, it will only do so if all stages of the procedure have been exhausted and if not, the complainant will be referred back to the academy.

If all stages of the academy's procedure have been exhausted the complainant will be asked to write to Director of Children and Younger Adults Services or their representative, and will be informed that their letter should include:

- The reasons why they remain unhappy with the outcome;
- Any letters or documentary evidence sent or provided by them or the academy at all stages of the academy's Complaints Procedure;
- Any other evidence that shows that the academy did not follow its Complaints Procedure correctly; and
- How they can be contacted.

The Director of Children and Younger Adults Services or their representative will:

- Acknowledge the letter within two working days;
- Contact the academy and ask for details of the way in which the complaint was dealt with; and
- Provide a written response stating whether or not the academy investigated the complaint appropriately and according to its Complaints Procedure. This will be within five working days of receiving all the relevant documentation from the school.

The Director of Children and Younger Adults Services or their representative may be asked to provide advice and guidance to the Governing Body, Headteacher, Chair of Governors or the Complaints Panel.

The advice and guidance will only be about:

- Procedural matters; and
- The reasonableness of decisions.



If the complaint is particularly complex and requires extensive investigation or in other appropriate circumstances, the Director of Children and Younger Adults Services or their representative may be asked to investigate the complaint. Any request must be made in writing by the Chair of Governors. The Chair of Governors letter should include:

- The request to carry out the investigation;
- A copy or details of the complaint;
- A statement as to why the Director of Children and Younger Adults Services is being asked to investigate the complaint;
- At what stage of the academy's Complaints Procedure the investigation will be conducted;
- Details of any actions the academy has already taken in response to the complaint; and
- A copy of the academy's Complaints Procedure.

The Director of Children and Younger Adults Services or their representative will conduct the investigation on behalf of the Headteacher (Formal Stage 1) or the Chair of Governors (Formal Stage 2) and not as a representative of the LA.

The Headteacher or Chair of Governors will be responsible for communicating the outcome of the complaint to the complainant.

Any investigation conducted by a representative of the Director of Children and Younger Adults Services as part of the Academy's Complaints Procedure does not prevent a different representative considering procedural issues once all stages of the Academy's Complaints Procedure have been exhausted.

Recording Complaints

A confidential record of the nature and progress of all complaints will be maintained by the Headteacher. The record will include notes of all meetings and what was discussed and agreed. Notes of telephone calls and conversations will be kept along with a copy of any verbal or written response.

The purpose of the record is for monitoring purposes only and not as a source of information for future references or other issues.

Vexatious Complaints

If the complainant continues to raise the same issue even though all stages of the complaints procedure has been completed, then it is reasonable for the Chair of Governors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time Scales

Where the complaint is detailed and/or requires an extensive investigation the timescales aforementioned may be increased. The complainant will be informed in writing of any variations to the timescales indicated and given a revised timetable for resolving their complaint.