



COMPLAINTS POLICY

Policy updated and adopted 11th July 2019 to be reviewed as required

Queen Elizabeth's Grammar School, as an Academy and therefore independent of Local Authority Control, has endorsed this complaints procedure. In this document, the Academy will be referred to as the School.

Introduction

This policy will apply to most general complaints received by the School. It is not intended to cover those matters for which there is a specific policy in place.

The School expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised on that basis.

Complaints will be dealt with openly, fairly, promptly and without prejudice.

Important Information

- The purpose of this policy is to enable the School to investigate and put right any matter which may have gone wrong and to review systems and procedures in the light of relevant circumstances
- Complaints brought by staff should be managed via the Staff Grievance Procedure and not this complaints policy
- Only complaints received in writing (using the Complaint Notification Form – Appendix 1) will be considered
- Anonymous complaints will not be considered
- Complaints must be made within 3 months of the event
- Line managers or other delegated managers will investigate the complaint
- A flowchart detailing the process is included in Appendix 2

Investigating Complaints

At each stage the person investigating the complaint will ensure 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 or contact the complainant if unsure or if further information is necessary
- 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

Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible following the time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainants sent details of the new deadline and an explanation for the delay.

Complaints Procedure

There are three main stages within the policy. Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

Resolving Complaints - Informal

At each stage in the procedure the School will keep in mind ways in which a complaint can be resolved. Many complaints can be resolved quickly on an informal basis. Often it is sufficient to acknowledge that the complaint is valid in whole or in part and 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

It would be useful if complainants were encouraged 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.

Stage 1 – Complaint heard by staff member

Parents should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the School. The School will try to investigate and resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

The School will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases the matter would be referred to the Deputy Headteacher, who may, if they feel it is appropriate, refer the complainant to another member of staff. Where the complaint concerns the Headteacher the complainant will be referred to the Chair of Governors.

Investigations would usually be completed by the member of staff involved, or if against them then by their Line Manager or the member of staff involved. Similarly if the member of staff involved feels too compromised to deal with the complaint, the Deputy Headteacher may consider referring the complainant to another member of staff. The ability to consider the complaint objectively and impartially is crucial.

If the complaint is first made to a Governor, the Governor must refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages in case they are needed to sit on a panel at a later stage in the procedure.

The approved staff member investigating the complaint will ensure that a written acknowledgment is provided to the complainant within 5 working days of receiving a complaint. The acknowledgment will give a brief explanation of the School's complaints procedure and will give a target date for providing a response to the complaint, which should usually be within 10 working days. If this target cannot be met then a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

The investigating staff member will seek to meet with all appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

Once all of the facts have been established, the investigating staff member will produce a written response to the complainant, or they may wish to meet the complainant to discuss/resolve the matter directly. A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate, this should also include what action the School will take to resolve the complaint. This may be by way of a general description e.g. 'Action taken within the Disciplinary Procedure'.

When the investigation has been concluded, the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of the action the School may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. staff disciplinary procedures are being followed)

The letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then they should send a written request stating this to the Headteacher within 10 working days of receiving the response.

If no further communication is received from the complainant within 10 working days, it is deemed that the complaint has been resolved.

Stage 2 – Complaint heard by the Headteacher

If the complainant is dissatisfied with the way the complaint was handled at Stage 1, they may go to Stage 2 and have the Headteacher hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but may not delegate the decision on the action to be taken.

The same timings as in Stage 1 will apply.

Stage 3 – Complaint heard by a Complaints Panel

If the complainant is still unhappy with the way the complaint has been dealt with following stages 1 and 2 then they may progress to stage 3.

The complainant should write to the Clerk of the Governors as directed by the Headteacher, giving details of the complaint.

The Clerk of the Governors should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgment must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 5 working days of the date of the hearing to allow adequate time for the documents to be circulated.

No person involved should have any previous involvement in the complaint.

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

Complaints would not be heard by the whole Governing Body at any stage, as this could compromise impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage and set out terms of reference.

The Chair of Governors will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated members and will consist of three people; two Governors and one person independent of the running and management of the school. In the event that the Chair of Governors is not available, then the panel may choose their own Chair for the meeting. It is not appropriate for Staff Governors to be part of this Panel.

If the complaint is about the Headteacher, a hearing by the Chair of Governors becomes Stage 2. If the complainant is unhappy he/she needs to write to the Clerk of Governors whereupon a panel of three Governors (not previously involved) will hear the complaint. Their decision will be final.

Further details regarding this process are included in Appendix 3.

Further Information

In the event that a complainant remains dissatisfied with the way a complaint has been handled we can confirm that complaints about the School failing to comply with this policy, or failing to comply with any obligation in its Funding Agreement, may be made to the Secretary of State through the Education Funding Agency. Full details are available on their website www.education.gov.uk

Vexatious Complaints

Please refer to the Vexatious Complaints Policy.

Review

The School will review this policy as appropriate, at a minimum once in an academic year.

Signed _____ (*Chair of Governors*)

Date _____

Appendix 1 - Complaint Notification Form

Please complete and return this form to the School for the attention of the Headteacher who will acknowledge receipt and explain what action will be taken.

Your Name:
Student's Name:
Your relationship to the Student:
Your Address: Postcode: Daytime telephone number: Evening telephone number: Email address:
Please give details of your complaint:
What action, if any have you already taken to resolve your complaint. (Who did you speak to, when, and what was the response?)
What actions do you feel may resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

FOR SCHOOL USE ONLY

Date acknowledgement sent:

By who:

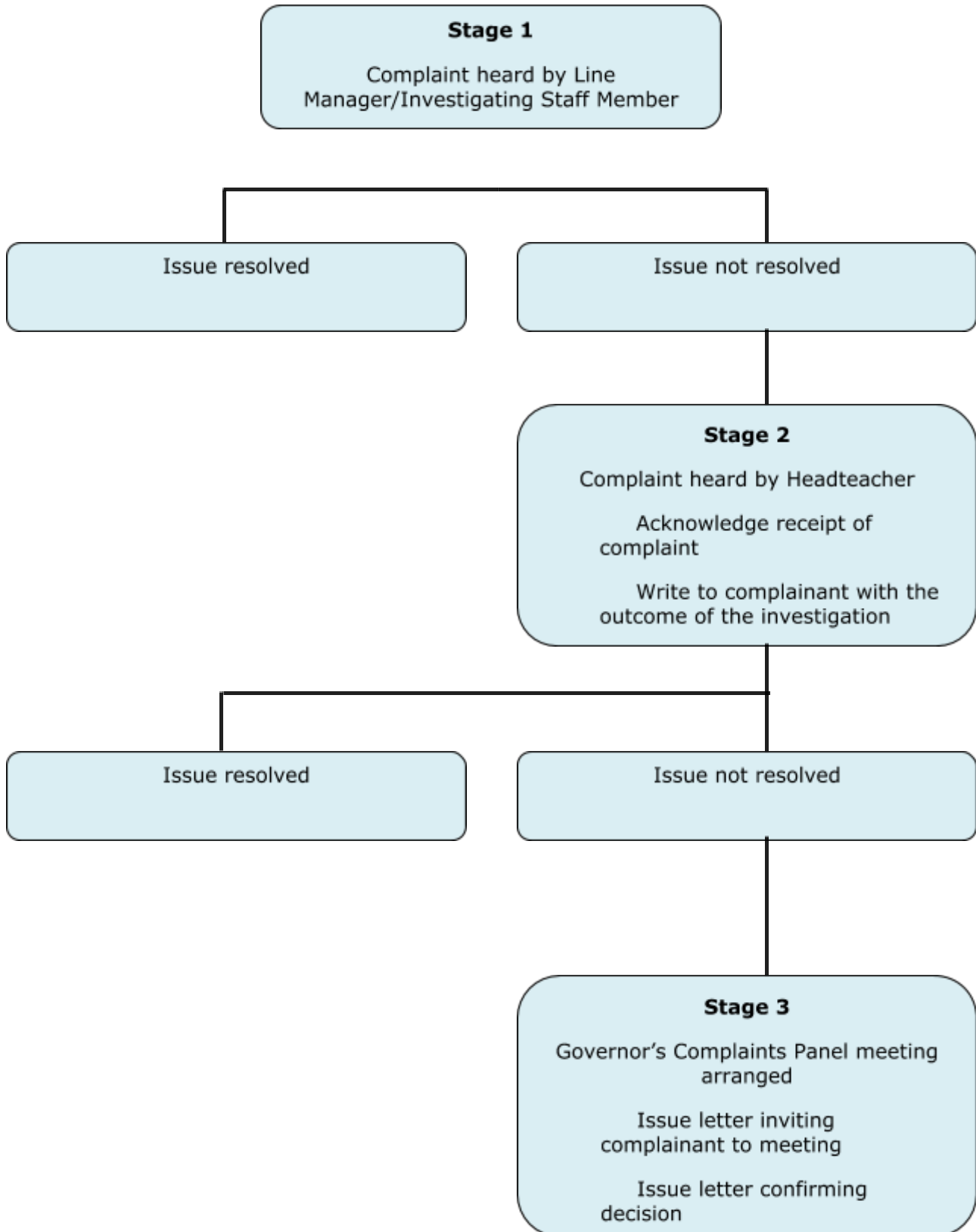
Complaint referred to:

Date:

Outcome of complaint:

Date concluded:

Appendix 2 – Flowchart



Appendix 3 – Complaints Panel Procedure

The Complaints panel will be made up of three people, two Governors and a third member who will have no involvement in the running and management of the school.

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

There are several points which any Governor sitting on the complaints panel needs to remember:

- 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 panel if they have had prior involvement in the complaint or in the circumstances surrounding it
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the School 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
- An effective 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 Chair of the panel will ensure that the proceedings are as welcoming as possible

The Clerk to the Governors will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/interpreter. The letter should explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel. The Headteacher has the right to bring representation if so desired.

Intervention of parallel investigations relevant to the complaint by the Police or Social Services may cause variation to these time scales. Any such variation will be notified to the complainant.

Hearing the Complaint at the Meeting

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the School and the complainant.

In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

The recommended conduct of the meeting is as follows:

- The Chair of the panel will welcome the complainant, introduce the panel members and explain the procedure
- The Chair of the panel will invite the complainant to explain the complaint

- The Committee members may question the complainant about the complaint and the reasons why it has been made
- The Headteacher will be invited by the Chair of the panel to question the complainant about the complaint and why it has been made
- The Chair of the panel will invite the Headteacher to make a statement in response to the complaint. At the discretion of the Chair of the panel the Headteacher may invite members of staff directly involved in the complaint to supplement his/her response
- The Committee members may question the Headteacher and/or members of staff about the response to the complaint
- The Chair of the panel will allow the complainant to question the Headteacher and/or members of staff about the response to the complaint
- Any party has the right to call witnesses, subject to the approval of the Chair of the panel
- The Committee, the Headteacher and the complainant have the right to question any such witness
- The complainant will be invited by the Chair of the panel to make a final statement
- The Headteacher will be invited by the Chair of the panel to make a final statement
- The Chair of the panel will explain to the complainant and the Headteacher that the decision of the panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of the panel will then ask all parties to leave except for the members of the Committee
- The Committee will then consider the complaint and all evidence presented and:
 - Reach a decision on the complaint and the reasons for it
 - Decide upon the appropriate action to be taken to resolve the complaint
- The Governors sitting on the panel need to be aware of the complaints procedure before the meeting

Roles and Responsibilities

The Role of the Clerk

The clerk is the contact point for the complainant and is 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 panel's decision

The Role of the Chair of the Panel

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

- The remit of the panel 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 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

Checklist for a Panel Hearing

The 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. Students may not appear as witnesses, but they may provide statements
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the School's actions and be followed by the School's witnesses
- 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 School's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair of the panel explains that both parties will hear from the panel within a set time scale