

**“Enjoying ‘life in all its fullness’ by achieving your personal best!”**



## **COMPLAINTS POLICY**

THE HEREFORD ACADEMY

### **1 Introduction**

#### **1.1 Dealing with Complaints – Initial concerns**

The Hereford Academy should be clear about the difference between a concern and a complaint. Therefore it should deal with informal concerns seriously and at the earliest stage. This will reduce the numbers of concerns that develop into formal complaints. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Therefore all concerns from parents will be dealt with initially by the Form Tutor or the Subject Teacher. This concern will be logged on facility and the Form Tutor will make one of four decisions.

One, deal with the issue themselves if they feel that they can resolve the situation and this must always be the first action.

Two, inform the appropriate Head of Curriculum Area if it is an issue concerning a particular subject.

Three, inform the Head of Key Stage and their pastoral team if it is a pastoral issue.

Four, inform the Vice Principal (Community) if it is an extended the Academy issue.

The issue should be resolved within 2 working days, if possible. If this can not be achieved parents should be informed by the member of staff in charge of the concern that an investigation is taking place and they will be contacted as soon as this has been resolved.

### **2 Dealing with Complaints – Formal procedures**

Formal procedures (**Complaint**) will be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

#### **2.1 The following procedure applies to any complaint.**

A complaint is an expression of dissatisfaction, however made, by a parent or person with a legitimate interest in The Hereford Academy, about the Academy policies or procedures, the conduct, actions or omissions of members of staff or governors at the Academy and the standards of teaching and learning.

Initially, most complaints should be raised in conversation with the Form or Subject Teacher, Head of Curriculum Area, Head of Key Stage, Member of the Strategic Leadership Team or Principal.

If a Governor is approached by a parent or a member of the public wishing to complain about the Academy, the Governor should direct that person to take their complaint to the Principal. However, there may be some instances, when the complaint is about the Principal, when it might be appropriate for the Complainant to be advised to speak to or write to the Chairman of the Governing Body instead.

All concerns will be taken seriously in order to establish an effective partnership between the Academy and the Complainant and should be dealt with promptly so that they can be resolved swiftly at the time. Occasionally there may be complaints where the individual Complainant does not wish to be identified at the preliminary stage. As far as possible, these should be dealt with under this procedure. However, there may be circumstances where confidentiality cannot be guaranteed because of the seriousness of the complaint. In addition, the wish of the individual Complainant to remain anonymous may limit the ability of the academy to fully investigate the nature of the complaint or to take any action once an investigation is complete. The Complainant will be informed if their desire for confidentiality inhibits the full investigation of the complaint.

## **2.2 Investigating Complaints**

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.

## **2.3 Resolving Complaints**

At each stage in the procedure the Hereford Academy will keep in mind the following 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 Academy policies in light of the complaint.

The person dealing with the complaint will also encourage complainants to state what actions they feel might resolve the problem at any stage. An admission that the

Hereford Academy could have handled the situation better is not the same as an admission of negligence.

#### **2.4 Time frame concerning complaints**

The academy may decline to investigate a matter if it is not very recent and the complaint could reasonable have been expected to be raised earlier. The normal expectation is that a complaint will be raised within **one month** of the alleged subject matter of the complaint though it will be important to judge whether or not the nature or seriousness of the allegation merits a more flexible approach.

### **3 Stage One Complaints Procedure**

The academy advises Complainants that the vast majority of their concerns will be satisfactorily addressed by the Form or Subject Teacher.

If the Complainant is not satisfied with the response from the Form or Subject Teacher they should take their complaint to the Head of Curriculum Area, Head of Key Stage or Strategic Leadership Team. It will often be helpful if the Complainant puts the complaint in writing.

There may be instances, depending on the seriousness of the complaint, when the Complainant will directly approach the Principal. The Principal will investigate the complaint and respond informatively *with an explanation* to the Complainant as soon as possible either in writing or by ways of a meeting giving a decision and the reasons for it. It is hoped that this will resolve the complaint. A written record should always be retained of the response.

### **4 Stage Two Complaints Procedure**

This would require the Involvement of the Chair of the Governing Body

The Principal will notify the Complainant that, if he/she is not satisfied with the outcome of the response from the Principal, he/she will be able to refer the matter **in writing** to the Chairman of the Governing Body setting out the complaint.

The Chairman of the Governing Body will consider the evidence of the complaint, in confidence and without reference to any other member of the Governing Body. If the complaint is serious or complex, advice will be sought from the Children's Services Human Resources Section or the legal advisors to the Academy. Having considered the complaint the Chairman will either write to the Complainant with his/her findings and reasons or meet with the Complainant and the Principal in an attempt to resolve the matter.

Where a complaint may give rise to disciplinary action, a careful balance will need to be struck between the rights of the Complainant to have their complaint properly determined and to be kept informed, against the rights of individual staff members in the disciplinary procedure. In such cases, advice will be sought at an early stage from the Children's Services Human Resources Section or the Academy's Legal Advisors.

Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by *the Children's Services Human Resources Section* or the Academy's Legal Advisors from whom further specific advice will be sought.

Where the Chairman of the Governing Body is being asked to consider a complaint about a matter which involves the Principal's management responsibilities, he or she should consider carefully whether the Principal's actions are within the boundary of reasonable responses and not substitute their own retrospective view of how they would have acted in the same circumstances.

The Chairman should consider whether a conciliatory role between the Principal and the Complainant would be the best way of resolving the complaint.

## **5 Final Stage Complaints Procedure**

This would require the involvement of the governing body

Should either the Complainant or the Principal be dissatisfied with the outcome of the Chairman's investigation they may ask for the matter to be referred to a panel of the Governing Body by writing to the Clerk of the Governing Body setting out the reasons for the referral. The Chairman should summarise the complaint to other members of the Complaints Committee and ascertain their preliminary view as to whether the matter should be dealt with at a meeting of the Committee. If the members' view is that the complaint should not proceed, the Complainant should be informed, with reasons. The Academy's Legal Advisors must be consulted at an early stage in the case of serious or complex matters.

## **6 Vexatious Complaints**

However, there will be occasions when, despite all stages of the procedures having been followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

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**PARENTAL COMPLAINTS PROCEDURE**

Complaint received – **STAGE ONE** – The Academy advises that vast majority of concerns will be satisfactorily addressed by Form or Subject teacher.



If Complainant is not satisfied with response from Form/Subject teacher Complainant should take concerns to the Head of Curriculum Area/Head of Key Stage or SLAM team. Helpful at this stage if Complainant puts complaint in writing.



In some instances, depending on the seriousness of the complaint, the Complainant may directly approach the Principal, who will investigate and respond informatively with an explanation to the Complainant, as soon as possible, either in writing or by way of a meeting, giving reasons. It is hoped this will resolve the complaint. A written record of the response should be retained.



**STAGE TWO** – Involvement of the Chair of the Governing Body. Principal to notify Complainant if they are not satisfied with the outcome of the response from the Principal that he/she can refer the matter in writing to the Chairman of the Governing Body.



Chairman will consider evidence of the complaint, in confidence, without reference to any other member of the Governing Body. If the complaint is serious or complex, advice will be sought from Children’s Services Human Resources Section or the Academy’s legal advisors. Having considered the complaint, Chairman will either write to Complainant with findings and reasons or meet with Complainant and Principal in an attempt to resolve the matter.



Where a complaint may give rise to disciplinary action, advice to be sought at Children’s Services Human Resources Section or the Academy’s legal advisors. Cases which may result in disciplinary action being taken against a member of staff must follow the procedures recommended by *the Children’s Services Human Resources Section* or the Academy’s Legal Advisors from whom specific advice will be sought.



Where the Chairman is being asked to consider a complaint regarding the Principal's management responsibilities, he/she should consider whether the Principal's action is within the boundary of reasonable responses and substitute their own retrospective view of how they would have acted in the same circumstances. The Chairman should consider whether a conciliatory role between Principal and the Complainant would be the best way of resolving the complaint.



There will be occasions when, despite all stages of the procedures having been followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.