



HYMERS
COLLEGE

COMPLAINTS PROCEDURE 2023-24

INTRODUCTION

Hymers College incorporating Hymers Hessle Mount (the School) aims to be fair, open and honest when dealing with any complaint and staff work hard to build positive relationships with all parents.

Hymers College (the School) will give careful consideration to all concerns and complaints and deal with them as swiftly as possible. It aims to resolve any complaint through dialogue and mutual understanding and, in all cases, put the interests of the child above all other issues. The School would hope to deal with the majority of concerns in an informal way but the following procedures are in place if a formal complaint is made.

The only exception to this procedure is if the complaint is an appeal against a decision taken by the Head to exclude a pupil under clause 6 of the School's Terms and Conditions of Contract, in which case such an appeal must be requested by no later than 5 working school days from the date of the decision to exclude.

This policy does not apply to parents of past pupils, unless the complaint was initially raised formally when the pupil was still registered at the School.

This policy does not apply to any complaint, concern or allegation relating to safeguarding and/or child protection; any such concern will be handled according to the procedure laid down in the School's Safeguarding Policy.

STAGE 1 – MAKING AN INFORMAL COMPLAINT

1. When parents have concerns they should always contact their child's Form Teacher in the first instance. The Form Teacher will, if appropriate, involve other members of staff such as subject teachers, Heads of Department, or a member of the Senior Leadership Team (SLT). A written record of concerns is made and logged so that any patterns or particular issues can be noted for future reference.
2. If parents feel that a concern is of a more serious nature, they may contact the Deputy Head (Management), Deputy Head (Pastoral), Head of Junior School or Head or Deputy Head of Hymers Hessle Mount to make an informal complaint. Such a complaint will be considered very seriously and each case will be investigated thoroughly.
3. A record of all concerns and complaints and the date on which they were received will be made.
4. The member of the SLT who is conducting the investigation will consult with other members of staff as necessary. Following this consultation, feedback will be provided to the complainant with an explanation of the circumstances surrounding the area of concern, together with information regarding any measures that the School intends to take in response.
5. All informal complaints should be handled within a time scale that is reasonable, and usually within 10 working school days. However, outside of term time the time scale for response may be longer and parents will be informed when they can expect a response; the School will endeavour to respond as quickly as is reasonably possible. In the event that the School and the parents fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Procedure.

STAGE 2 – MAKING A FORMAL COMPLAINT

1. If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Head. The Head will decide, after considering the complaint, the appropriate course of action to take.
2. In most cases, the Head will meet with the parents concerned, normally within 10 working school days of receiving the complaint, to discuss the matter. Outside of term time the time scale for response may be longer and parents will be informed when they can expect a response; the Head will endeavour to respond as quickly as is reasonably possible. If possible, a resolution will be reached at this stage. The School aims to resolve all Stage 2 complaints within 10 working school days.

3. However, it may be necessary for the Head to carry out further investigations. The timescale for these will be discussed with the parent(s).
4. The Head will keep written records of all discussions and interviews held in relation to the complaint.
5. Once the Head is satisfied that, so far as is practicable, all the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Head will also give reasons for his decision and any action taken by the School as a result of the complaint, regardless of whether it is upheld.
6. If parents are still not satisfied with the Head's decision, they should proceed to Stage 3 of this Procedure.
7. If the formal complaint is against the Head, and the complaint has not received a satisfactory response from the Head, a formal complaint should be made directly and in writing to the Chair of Governors (governors@hymers.org) who will deal with the complaint as a Stage 3 complaint following the procedure set out below.

STAGE 3 – PANEL HEARING

1. If parents are still not satisfied with the decision, a request to invoke Stage 3 (panel hearing) must be put in writing to the Clerk to the Governors within 5 working school days of receiving the decision at Stage 2 above.
2. The request should give full details of the complaint and enclose all relevant documents and full contact details of the parent(s).
3. The Clerk will acknowledge the request by telephone or in writing within 4 working school days during term time. During holidays, an acknowledgement will be provided as soon as is reasonably practicable.
4. The Clerk, who has been appointed by the Governors to convene the Complaints Panel, will refer the appeal to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School.
5. A hearing will be held as soon as practicable and normally within 15 working school days of the receipt of the Stage 3 complaint, although outside of term time this may be longer in which case parents will be informed when they can expect a response. The School will endeavour to respond as quickly as is reasonably possible.
6. Within 3 working days of the Clerk's acknowledgement, the Clerk will notify each party of the date, time and place of the hearing.
7. If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 3 working school days prior to the hearing.
8. The parent(s) may be accompanied to the hearing by one other person. Legal representation will not be appropriate.
9. It will be the Panel's decision whether it is appropriate to hear oral evidence from witnesses but it is under no obligation to do this.
10. If possible the Panel will resolve the complaint of the parent(s) immediately without the need for further investigation.
11. Where further investigation is required, the Panel will decide how it will be carried out and the timescale for this will be discussed with the parent(s).
12. After due consideration of all facts they consider relevant and within 5 working school days of the hearing, the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:
 - dismiss the complaint(s) in whole or in part;
 - uphold the complaint(s) in whole or in part; and
 - make recommendations.
13. At this point, the Panel will write to the parent(s) informing them of its decision, the reasons for it and any action taken by the School as a result of the complaint, regardless of whether it is upheld.

14. The Panel's findings and, if any, recommendations will be sent in writing to the parent(s) and, where relevant, to the person against whom the complaint was made. The findings will be available for inspection on the school premises by the Governors and Head. The decision of the Panel will be final.
15. Any appeal against a decision taken by the Head to exclude a pupil under clause 6 of the School's Terms and Conditions of Contract will be governed by this Stage 3 of the School's Complaints Procedure. In such circumstances, the Panel may only uphold the appeal if they consider, having regard to the facts, process and/or judgement of the Head, that the Head's decision was not a reasonable decision for the Head to have taken.

EARLY YEARS FOUNDATION STAGE (EYFS)

- Hymers College will provide ISI/Ofsted, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice.
- Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/ or the ISI:
- Ofsted can be contacted on 0300 123 1231 or by email: enquiries@ofsted.gov.uk
- Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD
- ISI can be contacted on 020 7600 0100 or by email: concerns@isi.net
- ISI, CAP House, 9-12 Long Lane, London EC1A 9HA

CONFIDENTIALITY AND RECORD KEEPING

- Complaints will be treated in a confidential manner and with respect. Parents can be assured that their child will not be penalised for a complaint that is raised in good faith.
- Correspondence, statements and records relating to individual complaints will 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.
- A written record of all complaints will be kept by the School, whether they are resolved following a formal procedure or proceed to a panel hearing, and any action taken by the School as a result of the complaint regardless of whether the complaint is upheld.
- For the academic year 2022/23 the School received six Stage 2 complaints; none of these proceeded to Stage 3.

Revised August 2023

Reviewed by Education Committee – October 2023

Approved by Governing Body – December 2023

Next Review – August 2024

COMPLAINTS PROCEDURE – APPENDIX

- The Panel shall adopt whatever procedure it considers most appropriate, bearing in mind the age of the pupil and all other relevant factors. While observing the seriousness of the nature of the hearing, it shall endeavour to make it as friendly and informal as practicable.
- All those attending are expected to show courtesy, restraint and good manners or, after due warning, the Panel may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Panel is conducted must say so before the proceedings go any further and their comment will be minuted.
- The Panel shall conduct the hearing fairly and carefully. However, as the hearing does not form part of formal legal proceedings, the Panel shall not be bound by the strict rules of evidence. It shall give such weight as it considers appropriate to the evidence in whatever form it is tendered.
- If the Panel concludes that the decision of the Head in relation to the complaint or grievance was a reasonable decision to take in the circumstances, it shall uphold the decision. If the Panel concludes that the decision was unreasonable, it shall overturn or modify it.
- Appeals against exclusions only: The Panel shall be entitled to consider the whole history of the pupil at the School, including any warnings previously given by the Head or other members of the staff, and shall not be restricted to consideration of the particular matter that triggered the Head's decision. The Panel shall have regard both to the interests of the pupil and the interests of the School as a whole. It shall also consider all matters that the pupil and the pupil's parent(s) or accompanying friend(s) put forward in advance in mitigation.