



COMPLAINTS POLICY

Approved/reviewed by	
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COMPLAINTS POLICY

INTRODUCTION

Purpose

From 1st September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides.

This Policy can be read in conjunction with the Birmingham City Model Procedure and Guidance for Dealing with Complaints.

Scope

This procedure is to deal with all concerns or complaints relating to the actions of staff and application of school procedures where they affect individual pupils, **except** matters directly related to curriculum, or to a particular exclusion, child protection, special needs statementing or admission issue, all of which are dealt with under separate procedures; details of these procedures should also be available from the school.

Similarly, any complaints by members of staff should usually be dealt with through the appropriate separate procedures such as grievance, capability or anti-harassment.

Introduction

We take all approaches by children, parents and carers seriously and we must have a culture that listens and responds appropriately to these approaches. The majority of issues raised are concerns rather than complaints and the school is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures.

The prime aim of the school's policy is to resolve the complaint as fairly and as speedily as possible. If by achieving this we also improve provision for our pupils we view any outcome as positive.

A copy of this policy can be found in the H.R. office, in the reception area, in the Pastoral Managers office and on the school website.

How can concerns or complaints be made

- Verbally by phone 0121 693 5363
- Approach the school to speak to someone in person
- To the Pastoral Manager
- To the Senior Leadership Team
- To the Governing Body
- Email to enquiry@lindsworth.bham.sch.uk
- By letter

Information that is helpful in responding to issues

It is helpful if information given is accurate to the best of your knowledge and contains information about people involved, actions that have taken place, where it happens, when it happened and how you feel this issue could be resolved appropriately.

General Principles

1. Any concern or complaint should be brought to the attention of the school at the earliest opportunity. Any matter raised more than 3 months after the event will only be considered in exceptional circumstances.
2. A concern or complaint from a member of the public who is not a parent or a guardian of a child attending the school should be referred directly to the Headteacher, unless the complaint is about the Headteacher in which case it should be referred to the Chair of Governors.
3. An anonymous complaint cannot be dealt with unless there are exceptional circumstances.
4. Any concern or complaint will be dealt with in a way that:
 - respects confidentiality
 - addresses all the points at issue
 - provides an effective response, and, *where necessary*,
 - appropriate redress
5. Concerns and complaints should be handled in both an impartial and non-adversarial manner, and in an open, transparent and constructive way.

Initial Concerns/Informal Procedures

These procedures make a distinction between dealing with a concern or complaint informally or formally.

The underlying principle of the procedure is that, if at all possible, concerns and complaints ought to be handled and resolved informally (usually by the staff directly concerned) without the need to invoke a formal referral and process. It is expected that Pastoral Managers will be able to resolve most concerns without the need to go any further.

An unreasonable refusal by the complainant to attempt an informal resolution may result in the concern or complaint being taken no further.

Formal Procedures

If the complaint is not resolved at the informal stage then the complainant must put the complaint in writing and address it to the Headteacher who will be responsible for its investigation. The investigation will be conducted in line with Birmingham City Council procedures. This will start within five working days of receipt of the complaint and be completed as soon as it is feasibly possible.

The Headteacher will collect such other evidence that is deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff maybe accompanied by a colleague or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be notified 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 is not substantiated by the evidence.
- The concern was substantiated in part or in full (some details of the actions to be taken by the school to review procedures may be released but details of the investigation will not).
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. staff disciplinary procedures are being followed).

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant considers that the decision of the Headteacher is perverse or that the Headteacher has acted unreasonably in considering the complaint then the complainant may bring a complaint against the Headteacher. A complaint to the Chair of the Governing Body must be made within two weeks of receiving the outcome of the investigation.

Complaints about the actions of the Headteacher

Informal Stage

The complainant is usually expected to speak directly to the Headteacher (in case of serious concerns it may be appropriate to raise them with the Chair of the Governing Body). Many complaints can be resolved by simple clarification or provision of information. If the matter is not resolved and if both parties agree, a third party may be invited to act as mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated immediately.

Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing to the Chair of Governors who will determine which of the agreed procedures to invoke. If it is determined it is "general", the Chair will arrange for its investigation. The complainant must include all relevant details in writing and will also be invited to meet with the Chair to make an oral presentation or to clarify any issues.

The Headteacher will be presented with the complaint and any other evidence collected in order to respond at a meeting with the Chair of Governors.

When the investigation is concluded, the complainant and the Headteacher will be informed of the outcome in writing.

This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.

- The concern was substantiated in part or in full (some details of the actions to be taken by the school to review procedures may be released but details of the investigation will not).
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. staff disciplinary procedures are being followed).

The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair has now concluded.

If the complainant is not satisfied with the manner in which the process has been conducted or considers the decision of the Chair perverse, or that the Chair has acted in an unreasonable way, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any request to the Governing Body must be received in writing within two weeks of receiving the outcome of the Chair's investigation.

Review of the Process

Any review of the process conducted either by the Headteacher or the Chair of the Governing Body will be conducted by a panel of three members of the Governing Body.

The review will normally be conducted through a review of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive evidence from the complainant and then written evidence from the Headteacher or the Chair, to make a response to the complainant.

The complainant and the Headteacher or Chair will receive the outcome in writing. This may include:

- There is sufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concerns are substantial in part or in full but that the procedural failure did not affect the outcome.
- The concerns are substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation (where it is practicable).

Notes

The complainant is not entitled to access any details of the investigation except for any statement that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If the complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.