UNIVERSITY OF BIRMINGHAM SCHOOL

University of Birmingham School

Complaints Policy

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University of Birmingham School
Complaints Procedure

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1. Background

1.1 From 1 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.

1.2 The procedure must also be publicised.

1.3 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, which fall outside the scope of the following procedures:

a) Complaints which have an alternative statutory avenue of appeal or complaint, i.e. admissions, exclusions, SEND assessments, Curriculum Complaints and those covered by the Education (School Records) Regulations 1989.

b) Serious complaints that must be dealt with by specific employment procedures e.g. allegations of professional misconduct, criminal offences or those that are potentially staff disciplinary issues.

c) Allegations relating to abuse of children or vulnerable adults.

1.4 Complainants may be anyone e.g. parents, guardians, grandparents, neighbours of the School or anyone with an interest in the work of the School. However, it is expected that it will be mainly parents or carers who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term but the procedure also applies in relation to any other type of complainant.

1.5 Complaints may be made by telephone, e-mail, in person or be written.

1.6 Definition of a Complaint - a complaint is '***any expression of dissatisfaction about the School and any community facilities or services that the School provides***'.

1.7 University of Birmingham School recognises that a willingness to listen and respond positively can lead to improvements our School Policies and Procedures and therefore provision for the pupils.

1.8 The School has accordingly adopted a complaints procedure in accordance with the following principles.

2 Principles of the School Procedure:

2.1 **Informal resolution** – if possible, complaints will be resolved through informal discussion and negotiation.

2.2 **The procedure will be easy to understand and to use** – the language will be simple and can be made available in different languages and formats where necessary.

2.3 **Publicity and accessibility** – the procedure will be well publicised and easily accessible to all via:

a) A specific complaints leaflet which will include the School Complaints' form;

b) Home-School Agreement;

c) Information in the School Prospectus;

d) The School website at: https://uobSchool.org.uk/;

e) Information available at induction days, parents' evenings, and at other appropriate School events.

2.4 **Impartiality and confidentiality** – all complaints will be dealt with impartially, in a non-adversarial manner and subject to the need to investigate the matter fully, in confidence.

2.5 **Time limits** – complaints will be dealt with within clear time limits and everyone will be kept fully informed.

2.6 **Support** – complainants will be encouraged to be supported by a friend or adviser.

2.7 **Full and fair investigation**:

a) the complaint will be fully investigated;

b) if necessary and, at the discretion of the Chair of the Governing Body, an independent person will be appointed by the Chair to conduct the investigation;

c) the principles of fairness and impartiality will be fully observed at all times;

d) If the complaint is justified appropriate redress will be offered.

e) The person investigating the concern or complaint should:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- 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;

f) Any person interviewed as part of an investigation is entitled to be accompanied by a friend or representative and / or a translator, and to agree any notes taken, particularly if the investigation is part of the formal process.

2.8 **Addressing any problems** – any issues identified through the investigation of the complaint as requiring action will be addressed.

2.9 **Support for staff** – staff will be given the same level of support as the complainant.

2.10 **Anonymous complaints** – will be investigated but only insofar as it is possible and practicable.

2.11 **Vexatious complaints** – will be assessed to decide whether any new issues have been raised. If so, then these will be investigated in accordance with the Complaints Procedure.

2.12 **Training** – all staff will be briefed in handling complaints to seek to ensure that a consistent approach is taken to all complaints received.

2.13 **Persistent complainants** – complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward.

2.14 **Monitoring** – the Principal will keep a written record of all complaints, whether they are resolved following the School's formal procedure or, proceed to a panel hearing, together with a record of the action taken by the School because of those complaints (regardless of whether they are upheld). All 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 2008 Act requests action to them.

2.15 **Reporting** - the Principal will report to the Governing Body on a termly basis about the complaints received by the School.

3 SCHOOL COMPLAINTS PROCEDURE

3.1 Stage One - Informal Resolution

a) Anyone with a concern about any aspect of the School is encouraged to raise their concern, either personally or through someone else, with their pupil's Form Tutor, in the first instance. In most cases, the matter will be resolved straight away by this means

b) If a member of staff feels too compromised to deal with the complaint, the matter should be referred to a more appropriate member of staff.

c) If the Form Tutor cannot resolve the matter alone, it may be necessary to consult a Subject Leader, a senior member of the Senior Leadership Team.

d) There may be occasions when the complainant may have concerns about discussing their complaint with a particular member of staff or it may be appropriate to contact a member of the Senior Leadership Team directly.

e) It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

f) Complainants should be encouraged to state what actions they feel might resolve the problem at any stage – though this should be on the understanding that it may not be possible or reasonable to deliver them.

g) It may be appropriate and sufficient to acknowledge that the complaint is valid in whole or in part - an admission that the School could have handled the situation better is not the same as an admission of negligence.

h) In addition, it may be appropriate to offer one or more of the following:

- an expression of regret for any distress, etc.
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that every effort will be made to ensure that the event complained of will not recur;
- an explanation of the steps that have been taken to try to ensure that it will not happen again;
- an undertaking to review School policies in light of the complaint.

i) The member of staff will discuss the issue with the parent and those involved in School, with the aim of resolving the complaint as soon as possible. The parent will be informed, **within 10 School days** of the discussion**,** of the outcome of the investigation and what action, if any, the School proposes to take.

j) If the concern cannot be resolved by informal means, then the person expressing the concern will be told of the option of pursuing a formal complaint and be provided with a copy of this procedure.

k) Use of the formal procedures means that all attempts at an informal resolution of the concern have failed; resolution will then depend upon any recommendations based on the judgments made from the evidence uncovered in the investigation.

l) An investigation may find no evidence for the complaint or that the complaint is otherwise groundless.

3.2 **Stage Two - Formal Resolution**

a) Formal complaints must be detailed in writing (a Complaint's Form is provided below for this purpose) to the Principal.

b) To ensure that the complaint is properly investigated it must be as clear as possible. If necessary, clarification will be sought from the complainant about any aspect of the complaint which is unclear;

c) If a complainant requires help to put their complaint in writing then they will be offered the opportunity to meet with the Principal who will make a written note of the complaint and agree it with the complainant;

d) 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 Principal, unless the complaint is about the Principal in which case it should be referred to the Chair of Governors

e) The Principal, or the member of staff to whom he delegates responsibility for handling the complaint, will send an acknowledgement **within 5 working days** of receiving the written complaint and will confirm:

- details of the complaint to be investigated;
- who will be investigating the complaint;
- that a substantive response to the complaint will be given **within 10 working days** of receipt. If this timescale cannot be met an explanation will be given with a revised timescale;

e) The complaint will be recorded including date;

f) The Principal will investigate the complaint in accordance with the principles of the Complaints Policy. It may be necessary for the Principal to ask another member of the Senior Leadership Team to carry out the investigation;

g) The designated member of staff/Principal will write to the complainant **within 10 working days** of receipt of the complaint (or by date given in the acknowledgement letter) and advise them of the outcome of the investigations in writing.

h) If the complaint is upheld the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The School will seek guidance from its legal advisers before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;

i) The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Chair of the Governing Body and how to do it.

j) The complainant must notify the Chair of the Governing Body in writing **within 10 working** days of receipt of the Stage 2 response.

3.3 **Stage 3 – Formal Resolution**

a) Requests for a Stage Three investigation must be in writing and addressed to the Chair of the Governing Body at the School;

b) The request will be recorded including the date;

c) Complaints only rarely reach this level.

d) The Chair will send an acknowledgement **within 5 working days** of receiving the request and tell the complainant that a substantive response to the complaint will be given **within 20 working days** of receipt of the complaint (or by date given in the acknowledgement letter) and advise them of the outcome of the investigations in writing. If this timescale cannot be met an explanation will be given with a revised timescale;

e) The Chair of Governors will decide on the appropriate course of action to take.

f) The Chair will either choose to investigate the complaint in accordance with the principles of the Complaints Policy or, call a hearing of a Complaints Panel.

g) If an investigation takes place and as a result the complaint is upheld, the complainant will be informed accordingly and given an indication of the steps that will be taken to put matters right. The Chair will seek guidance from its legal advisers before making any admissions which may lead to a legal claim. If, on the basis of the information available, it is not possible to arrive at a definitive decision on the complaint the complainant will be informed accordingly with the reasons why;

h) The complainant will also be informed that if they are dissatisfied with the outcome of the investigation then they have the right to appeal against the outcome to the Complaints Appeals Panel and how to do it.

i) The Chair of Governors may choose to call a hearing of the Complaints Appeals Panel rather than hold an investigation.

j) Where complaints are complex in nature, the Chair of Governors may suggest to the complainant that optionally a person independent of the School and the complainant be sourced to assist the complainant in presenting their complaint to the Appeal Panel.

3.4 **The Complaints Appeals Panel Hearing**

a) Requests for a Complaints Panel Hearing must be in writing and addressed to the Clerk to the Governing Body at the School;

b) The Clerk will acknowledge the request **within 5 working days** of receiving the request.

c) The Clerk will ask the investigator at Stage 1 to attend the hearing to present the School's case.

- if written submissions are to be made by the Principal they should be submitted to the Clerk **at least 10 working days** before the hearing to enable copies to be provided to the committee, the complainant and any other relevant parties.

d) **At least 5 working days** prior to the meeting the clerk will:

- notify all parties of the date, time and place of the hearing;
- provide all parties with a copy of any written representations submitted;
- provide all parties with details of the format of the hearing;
- ask the parties whether they have any particular needs for the meeting e.g. induction loop, translator etc;
- confirm who will be in attendance at the hearing or whether they wish to rely upon written submissions.

e) In cases that require urgent consideration the Chair may deal with the matter exclusively and without delay.

f) Otherwise, the Chair of Governors should decide if a reasonable attempt has been made by the Principal or other staff to address the concern or complaint.

e) The Chair of Governors may refer to School and Governing Body Support or another professional body.

g) If the Chair of Governors decides that the concern or complaint has been dealt with reasonably, then the complainant should be told that, **and** that their only grounds for appeal may be on the basis of the way in which their concern or complaint was handled (and not against the decision made).

h) If the Chair of Governors decides that the concern or complaint may not have been dealt with reasonably, or that a formal appeal is appropriate, or if the Principal is the subject of the concern or complaint, then a hearing by a Complaint Panel of the Governing Body will be arranged.

3.5 The Governors' Complaints Panel:

a) The Chair will ensure that a designated panel will be convened to hear the complaint. The panel will consist of at least three governors who were not directly involved in the matters detailed in the complaint.

b) At least one member of the panel will be independent of the management and running of the School.

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

d) The designated governors will deal with the complaint on an impartial basis via a panel hearing – please refer to **Notes for Guidance** (below).

e) It is important that any hearing is independent and impartial and that it is seen to be so: no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

f) Also, in deciding the make-up of the panel, governors should try to ensure that it is a cross-section of the categories of governor and, as far as is practicable, sensitive to the issues of race, gender and religious affiliation.

g) The Clerk to the Governing Body will normally record the proceedings.

h) The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the complainant.

i) The panel will:
   - Dismiss the complaint in whole or in part, or
   - Uphold the complaint in whole or in part, or
   - Where appropriate, decide action to be taken to uphold the complaint, or
   - Recommend changes to the School systems or procedures to seek to ensure that problems of a similar nature do not recur.

j) However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour, and therefore it may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.

k) Following the hearing, the complainant and, where relevant the person complained about, will receive written feedback from the Clerk including any findings and recommendations and, if appropriate, the next steps. The documentation will be held confidentially on the School premises and will be available for inspection by the Principal and Governing Body.

l) If the outcome might lead to action under another procedure, e.g. disciplinary, then the complainant need only be told that appropriate action will be taken.

m) Further, there may be occasions when a panel would wish to resolve an issue by means which are clearly within the responsibility of the internal management of the School: governors (and the Principal) need to be mindful of their roles and responsibilities in regulation – see Guide to the Law for School Governors.

n) Only in exceptional circumstances should governors consider taking a decision that may undermine the authority of the Principal, or other staff, and governors must consult School and Governor Support before doing so.

o) This is the final step of the process for the School (though the recommendations may be such, e.g. changes in policy or practice, that it is necessary for the full Governing Body to receive a short report regarding the findings of the investigation (this should not mention names).

p) The Chair of Governors is responsible for ensuring that the correct procedures have been followed.

q) **Within 10 working days** following the hearing the Clerk shall inform all the parties concerned in writing of the decision(s) of the Panel which represents the end of the School's complaints procedure and what options remain open in the complainant remain dissatisfied.

r) The decision of the Complaints Panel will not be investigated. If, however, the complainant feels that the complaints procedure has not been followed correctly, s/he can contact the Education Funding Agency (EFA). Complaints about Academies will be investigated by the EFA on behalf of the Secretary of State.

s) Parents/carers who are not satisfied that their complaint has been handled properly can refer this via the https://www.gov.uk/complain-about-School .

t) The EFA can support academies to achieve a compliant procedure, but it is the responsibility of academy proprietors to make sure that their complaints procedure is fully compliant.

u) If a complaint goes to the ESFA they will check whether the complaint has been dealt with properly by the School. This derives from their responsibility to ensure academies and free Schools comply with their funding agreements. They will consider complaints about academies that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
- where the academy is in breach of its agreement with the Secretary of State;
- where an academy has failed to comply with any other legal obligation.

u) The ESFA will not overturn an academy's decision about a complaint.

v) However, if they find an academy did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations.

w) If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement.

x) Of course, 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 will inform them in writing that the procedure has been exhausted and that the matter is now closed but that the complainant may examine other ways to complain about the School.

3.6 **Notes for Guidance - the Complaints Panel Hearing**

a) The hearing should be as informal as possible – many complainants feel nervous and inhibited in a formal setting and parents often feel emotional when discussing an issue that affects their child: the proceedings should be as welcoming as possible and the layout of the room should try to ensure the setting is informal and not adversarial, so as to set the appropriate tone.

b) Any parties being heard may be accompanied by a person of their choice - a friend or representative, and/or a translator - and notes taken should be agreed by attendees.

c) Governors on the panel should make themselves familiar with these procedures before any hearing.

d) Witnesses are only required to attend for the part of the hearing in which they give their evidence.

e) Before the hearing starts, the panel should agree which one of them will Chair the hearing.

f) It will not usually be appropriate for the hearing to consider any issues or material which is introduced at the hearing for the first time. The Chair must insist that this is addressed outside this meeting (but through the use of this guidance as appropriate).

g) The hearing should follow any agreed meetings protocols, and proceedings should be as follows:

- After introductions, the complainant should be invited to explain their complaint, and be followed by their witnesses.
- The Chair of the Panel may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the School's actions and be followed by the School's witnesses.
- The Chair of the Panel may question both the Principal and the witnesses after each has spoken.
- Up to this point, the panel may ask questions at any time.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the School's actions and response to the complaint.
- Both parties leave together while the Panel considers the complaint and reaches a unanimous or majority decision.

- The Panel also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to School Policy and Procedures to ensure similar complaints are not made in future.
- The Chair explains that both parties will be informed of the outcomes in writing from the Panel in accordance **within 10 working days** of the hearing.

h) 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 a vested interest in the outcome of the proceedings or 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. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.
- The complainant is notified of the panel's decision, in writing, with the panel's response and what further steps may be planned or available; this is usually within the agreed deadline.

4 Guidance for Parents and Carers: What to do if you have a concern or a complaint.

4.1 We aim to work closely with parents and carers so that all students can learn effectively at School.

4.2 We view all complaints in a positive way, as it helps the School improve its practices.

4.3 However, sometimes problems do occur and the best person to talk to first is usually your Form Tutor.

4.4 If you are still worried or concerned, the Principal will be happy to talk to you at a mutually convenient time.

4.5 Please contact the School Office to make an appointment to talk to the Principal or write to the Principal explaining your complaint and what you would like to happen now.

4.6 This is part of a full procedure which all Schools have in place and has been approved by the Governing Body. If the Principal cannot resolve the issue, or the complaint is about the Principal, you should then write to the Chair of Governors.

4.7 Full details of our Complaints' Procedure can be found in this guidance or look on the School's website for further information.

4.8 Please do not hesitate to contact us.

5 Guidance for Parents and Carers: How do you let the School know that you have a concern or complaint?

5.1 Stage 1 - Informal stage

a) The first action you need to take is to contact your child's Form Tutor and let the School know as soon as possible that you have a concern or a complaint and give the School the opportunity to investigate the matter properly.

b) Most concerns or complaints can be sorted out this way.

c) Remember do not leave it too long to report your concern because it can be difficult to investigate something that happened some time ago. It is also helpful if you can provide a short written statement of your concern or complaint. This will help to avoid any misunderstanding and provides a written record of your concern or complaint.

d) This is known as the 'informal' stage and the School will do everything possible to address your concerns at this stage.

5.2 Stage 2 - Formal Complaint

a) **If you feel that the form tutor or member of the Senior Leadership Team has not resolved the issue** you can now take the complaint through a **formal** procedure.

b) All Schools have in place a Complaints Procedure. This is a formal process which enables you and the School to address your concerns.

c) To begin this process you must write to the Principal, explaining clearly and briefly what your concern is and what outcome you would like to see to resolve it. Please use the form provided if you prefer;
(Please note - If your complaint is regarding the Principal then go to Stage 3).

- **If you think that your complaint should be looked at by the Principal.**
  - Please telephone or call at the School Office and ask to make an appointment to see the Principal.
  - You will be able to take a friend or an adviser with you to the meeting, but if you do you must tell the Principal in advance that you will be accompanied.
  - The Principal may also wish to be accompanied at the meeting depending on the nature of your concern.
  - If your complaint is about the Principal then you will need to write to the Clerk to the Governing Body at the School and explain your complaint. The Chair, or a governor or governors delegated by the Governors, will investigate your complaint as if it was under the second stage of the procedure (see below).

5.3 **Stage 3 - Formal Complaint**

If you are not satisfied with the outcome of the second stage of the investigation or the complaint is against the Principal you can move to the **third stage** of the formal process.

a) You will need to write to the Chair of the Governing Body and explain your complaint and (if the Principal has previously considered the complaint) **why you are dissatisfied with the response** and what outcome you hope to achieve briefly and clearly.

b) The Chair or a governor or governors delegated by them will investigate your complaint. This may include meeting with you. You may be accompanied at any meeting by a friend or adviser but you must tell the Chair in advance that you will be accompanied. The Chair (or the investigator(s) will then write to you with the outcome of their investigations.

5.4 **If you are still not satisfied is there anything else that you can do?**

a) You can write to the Clerk to the Governing Body at the School and ask that your complaint be considered by the **Complaint Appeals Panel of the Governing Body.**

b) The Panel will not include any governor who was involved in the prior investigation of the complaint or who has prior knowledge of the complaint. The Clerk to the Governing Body will arrange a hearing by the Panel and you will be invited to attend the hearing (with a friend or adviser) to explain your complaint.

c) The Clerk will write to you and make sure that you are kept fully informed and guide you through the procedure.

d) After the hearing, the Chair of the Appeals' Panel will write to you and let you know the Panel's decision.

If you are still not satisfied is there anything else that you can do?

- Once the Panel has made its decision then that is the final step in the School's Complaints Procedure.
- If you feel that the Governing Body has acted or intends to act unreasonably or, that it has failed to discharge its duties, then you can contact the Education Funding Agency, or visit https://www.gov.uk/complain-about-School .

6. **Complaints Form**

Please complete and return to ..... (Chair of Governors) who will acknowledge receipt and explain what action will be taken.

Your name:		
Pupil's name:		
Your relationship to the pupil:		
Address:		Postcode:
Day time telephone number:	Evening telephone number:	
Please give details of your complaint.		
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?		

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:

Official use	
Date acknowledgement sent:	Complaint referred to:
Acknowledgement sent by:	Date: