



King's Norton Boys' School

# Complaints Policy & Procedure.

**Adopted by the Governing Board: March 2021**  
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## **1. Introduction**

- 1.1 Ideally, the Governing Board would wish the business of the school to proceed without any situations occurring which might be the subject of a complaint, but it recognises that such situations may well arise from time to time.
- 1.2 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to King's Norton Boys' School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **2. The difference between a concern and a complaint**

- 2.1 A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 2.2 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. King's Norton Boys' School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.3 If you have difficulty discussing a concern with a particular member of staff, if suitable we will respect your views. Similarly, a member of staff directly involved in a situation may feel unable to deal with a concern. In these cases, The Headteacher may well refer you to another staff member. The member of staff may be more senior but does not have to be, we consider the ability to consider the concern objectively and impartially should be the primary factor. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, King's Norton Boys' School will attempt to resolve the issue, through the stages outlined within this complaint's procedure.

## **3. How to raise a concern or make a complaint**

- 3.1 A concern or complaint can be made in person, in writing, by email or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so and can demonstrate such consent.
- 3.2 Concerns should be raised with the most appropriate person, please see the website "contact us" page for guidance. If the issue remains unresolved then there is an opportunity to escalate, if issues remain unresolved the next step is to make a formal complaint.
- 3.3 Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher, via his PA contactable via the school office and marked as Private and Confidential.

- 3.4 Complaints about the Chair of Governing Board, any individual Governor or the whole Governing Board should be addressed to the Clerk of the Governing Board and handed in to the school office marked as Private & Confidential.
- 3.5 Complaints that are being escalated to Stage three should be addressed to the Chair of Governing Board via the Clerk and sent to the school office marked as Private and Confidential.
- 3.6 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
- 3.7 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### **4. Stage One - Informal Stage**

- 4.1 In the majority of cases the concern should be handled, if at all possible, without the need for formal procedures. Informal resolutions should be the objective of all parties involved in the process.
- 4.2 Complainants should not approach individual governors to raise concerns or complaints. If the first approach is made to a Governor, the complaint will be referred to an appropriate member of staff and the complainant will be advised of this procedure. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- 4.3 Where the complaint concerns the Headteacher, in the first instance, the complaint should be raised with the Headteacher, unless the complainant feels that this is not appropriate. In these circumstances, the complaint should be referred directly to the Chair of the Governing Board.
- 4.4 This stage should take no more than 10 school days from the date that receipt of an issue being raised or form being received. However, where further investigations are required, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.
- 4.5 If the complainant is unable to resolve the matter at the informal stage, by discussion with the appropriate member of staff, or considers the matter to be too serious for the informal stage, they should refer their complaint to the Headteacher under Stage Two.

#### **5. Stage Two - Formal Complaint heard by the Headteacher**

- 5.1 Formal complaints must be made to the Headteacher, via the Headteacher's PA via the school office. A formal complaint should normally be made in writing, preferably on the

Complaint Form. Complainants may wish to direct the complaint to the Chair of the Governing Board (see 4.4) if their complaint is about the Headteacher.

5.2 King's Norton Boys' School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two school days receipt.

5.3 The Headteacher will often seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this. An appropriate investigation will then be arranged and undertaken, this may be carried out by the Headteacher or may be delegated to another member of staff. Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

5.4 The investigation will be conducted as soon as reasonably practical. If there are likely to be any substantial delays, the Headteacher or the delegated staff member will inform the complainant of progress. During the investigation, the Headteacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, if it has been conducted by an investigating member of staff, the investigator may make recommendations to the Headteacher.

5.5 The Headteacher will decide what action is appropriate and will notify the complainant of their decision. If the Headteacher is unable to inform the complainant of some aspects of the proposed action because, for example, there is a requirement of confidentiality, the Headteacher will explain the situation to the complainant.

5.6 This stage should be completed within 15 school days of the confirmation of receipt of the complaint. However, where further investigations are required, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

5.7 If the complainant remains dissatisfied after stages one and two, or if the complaint involves the Headteacher, and has not been resolved, they should refer their complaint to the Chair of the Governing Board. This may include any dissatisfaction about the manner in which the complaint had been addressed at stages one and/or two.

## **6. Stage Three - Formal complaint reviewed by the Governors**

6.1 If the complainant is dissatisfied with the outcome at Stage two and wishes to take the matter further, they can escalate the complaint to Stage three – The Chair of Governors (or an appointed Governors) will review the evidence gathered during the investigation.

6.2 They may interview those involved in the investigation and management of the Stage 2 complaint. Those interviewed are permitted to be accompanied if they wish.

6.3 The Stage three Governor will keep a written record of any meetings/interviews in relation to their review.

6.4 The Chair of Governors (or appointed Governor) will decide whether the action proposed at stage three is appropriate and may recommend additional actions to the headteacher, they will notify the complainant of their decision. If the Chair of Governors (or appointed Governor) is unable to inform the complainant of some aspects of the proposed action because, for example, there is a requirement of confidentiality, the Chair of Governors (or appointed Governor) will explain the situation to the complainant.

6.5 At this stage the Chair of Governors (or appointed Governor) may seek professional advice, e.g. they may call upon support of Schools and Governors Services or the National Governors Association.

6.6 This stage should be completed within 15 school days of the confirmation of receipt of the complaint. However, where further investigations are required, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

6.7 The chair (or appointed Governor) may, where they feel there are substantial issues yet to be addressed by the previous stages recommend the complaint to be escalated to stage four.

6.8 If the complainant remains dissatisfied after stages one, two and three, or if the complaint has not been resolved, they should refer their complaint to the Governing Board's Complaints Panel. This may include any dissatisfaction about the manner in which the complaint had been addressed at stages one, two and/or three.

## **7. Stage Four – Complaint heard by the Governing Board's Complaints Panel**

7.1 If the complainant is dissatisfied with the outcome at Stage two &/or three and wishes to take the matter further, they can escalate the complaint to Stage four – a meeting with members of the Governing Board's Complaints Committee. This is the final stage of the complaint's procedure.

7.2 A request to escalate to Stage four must be made in writing to the Chair of the Governing Board via the Clerk to the Governing Board and sent to the school office, within 10 school days of receipt of the Stage three response. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The date the complaint is received will be recorded and the complainant will receive acknowledgement in writing (either by letter or email) usually within two school days.

7.3 The Complaints Committee will consist of at least three representatives.

7.4 The investigation will be conducted with a view to establishing all relevant information: will be non-adversarial: and will be impartial.

7.5 The complaints committee will consist of at least three representatives. The committee will consist of governors with no prior involvement/knowledge of the complaint or independent representative usually from an education or Governance background.

7.6 The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If necessary, the Clerk will aim to convene a meeting within 15 school days of receipt of the Stage three request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. Representatives from the media are not permitted to attend.

Prior to the meeting the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- confirm that any further written material must be submitted to the committee five school days before the meeting.

N.B. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

7.7 The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

7.8 The meeting will allow the complainant an opportunity to discuss their complaint with the committee and giving the school an opportunity to give their views on the complaint. However, the committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage one of the procedure.

7.9 The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- N.B. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk, in conjunction with the complaints panel members will decide if the hearing should proceed in the complainant's absence on the basis of written submissions from both parties.

7.10 The Chair of the Complaints Committee will provide the complainant and the Headteacher with a full explanation of their decision and the reason(s) for it, in writing. If the committee is unable to inform the complainant of some aspects of the proposed action because, for example, there is a requirement of confidentiality, the panel will explain the situation to the complainant. The letter to will include details of how to contact the Department for Education if the complainant is dissatisfied with the way their complaint has been handled by King's Norton Boys' School. The Committee will aim to complete stage three within 10 school days.

7.11 The panel will report to the Governing Board on any action taken, including the general nature of the complaint and, if appropriate, on their findings.

## **8. Record Keeping**

8.1 A confidential record of all formal complaints will be kept by the school including any action taken by the school.

## **9. Next Steps**

9.1 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage three.

9.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by King's Norton Boys' School. They will consider whether King's Norton Boys' School has adhered to education legislation and any statutory policies connected with the complaint.

9.3 The complainant can refer their complaint to the Department for Education online at: <http://www.education.gov.uk/contactus>, by telephone on: 0370 000 2288 or by writing to:  
 Department for Education  
 Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD.

## **10. Resolving Complaints**

10.1 At each stage in the procedure, King's Norton Boys' School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **11. Anonymous complaints**

11.1 We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governing board, if appropriate, will determine whether the complaint warrants an investigation.

## **12. Time scales**

12.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## **13. Complaints received outside of term time**

13.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **14. Withdrawal of a Complaint**

14.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing

## **15. Scope of this Complaints Procedure**

15.1 This procedure covers all complaints about any provision of community facilities or services by King's Norton Boys' School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools/ Statutory assessments of SEND/School reorganisation proposals	Concerns about admissions should be raised with Admissions Clerk. Concerns about statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Birmingham Local Authority.

Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Contact details: LADO: tel: 0121 675 1669. email: Ladoteam@birminghamchildrenstrust.co.uk. MASH: tel: 0121 303 1888</p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-disciplineexclusions/exclusions">http://www.gov.uk/school-disciplineexclusions/exclusions</a>.</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p>
	<p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">http://www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other providers who may use school premises or facilities	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
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- 15.2 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 15.3 If a complainant commences legal action against King's Norton Boys' School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

**Appendix 1 Complaint Form**

Please complete and return to [Name] (either Headteacher / Chair of Governors via the Clerk) who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name: (if relevant):

Your relationship to the student (If relevant):

Address:

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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:

By who:

Complaint referred to:

Date:

## **Appendix 2 Roles and Responsibilities – to be used during the complaint procedure**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information ○ analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher, Chair of Governors or complaints committee (dependent on complaint stage) will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (*this could be the Headteacher / designated complaints governor or other staff member providing administrative support*)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Governing Board, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- minute the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that: both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one)

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting and that parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting, careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount