

# **South Bromsgrove High**

## **Complaints Policy**

**Reviewed by the Governing Body**  
**Next Review**  
**Policy Author**  
**Policy responsibility**

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**Headteacher**  
**Headteacher**

## **Policy and Procedure for responding to complaints**

The Governing Body first adopted this Policy at a meeting held on 21 March 2007. It is based on a model originally published by Worcestershire Children's Services, but has undergone a number of revisions, including, most recently, those following conversion to Academy status.

Our school's success is built on the appreciation of values such as courtesy, respect and honesty. Reference to these values help us maintain a high quality of relationships within our school community.

For most of the time, most students are happy, feel appropriately challenged and engage fully in the life of the school. From time to time, however, concerns are raised and we endeavour to deal with them in accordance with this policy, always aiming to resolve them at the earliest opportunity.

If, at any time, you have concerns about your child at school, then please do not hesitate to contact us and, if necessary, make an appointment to see a relevant staff member.

### **Stage 1 – Informal Resolution**

- Many concerns can be resolved quickly by discussion and parents/carers should initially contact the child's form tutor by phone or in writing.
- If more advice or support is needed, a middle or senior leader may become involved.
- It may be appropriate for some, more sensitive, concerns to be directed initially to a Head of Year.
- Concerns raised and actions taken will be recorded.
- If the concern has not been addressed by any of the above stages, parents/carers may decide to put the complaint in writing to the Headteacher, using the form on pages 4 and 5 of this policy.

### **Stage 2 – Formal Resolution Dealt with by Headteacher**

- Following receipt of a written complaint, the Headteacher will decide an appropriate course of action and will have aimed to have resolved the matter within five working days.
- Sometimes, the Headteacher may ask a senior colleague to undertake investigations.
- If the complaint is regarding the Headteacher, the Chair of Governors will investigate.
- A written record of all meetings relating to the complaint will be made.
- At the conclusion of the investigation, the Headteacher will write to the complainant with an opinion or decision about the complaint.
- Should the matter not be resolved satisfactorily at this level, the concern or complaint should be put in writing to the Chair of Governors at the school address.

### **Stage 3 - Formal Resolution Dealt with by Chair of Governors (or nominated person)**

- If the complainant is not satisfied with the response of the Headteacher the Chair of Governors (or nominated person) may investigate.
- On receipt of the information from the Headteacher, the Chair of Governors will verify that the complainant has properly exhausted all stage 1 and 2 procedures and, if not satisfied, will refer the matter back to the Headteacher.
- The Chair may decide to speak directly with the complainant to see if the concern can be resolved.
- A written record of all meetings relating to the complaint will be made
- At the conclusion of the investigation, the Chair of Governors will write to parents/carers with an opinion or decision about the complaint.

## Stage 4 – Governors Complaints Panel

- If the complainant is not satisfied with the response from the Chair of Governors (or nominated person) the Chair may call a hearing of the Governors Complaints Panel which consists of three Governors.
- If necessary those appearing at a hearing may be accompanied by one other person. This may be a relative, teacher or friend.
- If possible, the Panel will resolve the complaint immediately, but, if further investigation is required, the Panel will decide how it should be carried out.
- Any decision or recommendation made by the Panel will be given in writing to those concerned within 10 school days. The decision of the Governors' Complaints Panel is final.

**Unresolved Complaints.** Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. It will not normally be possible to re-open the same issue. In such circumstances, the Chair of Governors will inform the complainant that the procedures have been exhausted and that the matter is closed.

The decision of the Complaints Panel will not be investigated.

If, however, the complainant feels that the Academy (South Bromsgrove converted to academy status in 2013) and Governors have not followed the school's complaints procedure correctly, s/he can contact the Education and Skills Funding Agency (ESFA). Complaints about Academies will be investigated by the ESFA on behalf of the Secretary of State.

The ESFA 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. If a complaint goes to the ESFA they will check whether it has been dealt with properly by the academy. This derives from their responsibility to ensure academies comply with their funding agreements.

The ESFA will consider complaints about academies that fall into any of the following three areas:

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

The ESFA will not overturn an academy's decision about a complaint. 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. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement.

**Anonymous complaints** We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

**Timescales.** 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.

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

**Model policy for managing serial and unreasonable complaints.** South Bromsgrove High is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff or governors to tolerate unacceptable behaviour and will take action to protect staff and governors from that behaviour, including that which is abusive, offensive or threatening.

South Bromsgrove High defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff or governors who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff or governors regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact South Bromsgrove High causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from South Bromsgrove High.

### **PROCEDURE FOR THE GOVERNORS' PANEL HEARING TO CONSIDER A COMPLAINT**

It is important that the members of the Governor Panel are impartial and independent, and seen to be so. The Chair should ensure that Panel members have no prior involvement with the case, and be sensitive to the constitution of the Panel with regard to issues of equality.

### **THE HEARING**

Reports and statements submitted to the Panel should be made available to all parties in advance of the hearing. The Chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'.

### **Model Agenda**

- 1) Complainant explains reasons for making the complaint, and calls witnesses if desired.
- 2) Panel members may ask questions
- 3) Headteacher invited to explain the school's actions and call witnesses if desired
- 4) Complainant and Panel members may ask questions
- 5) Complainant is invited to sum up the complaint
- 6) Headteacher is invited to sum up the school's actions and response to the complaint
- 7) The parties leave and the Panel considers its decision

The Company Secretary should keep an accurate record of the discussion at the meeting.

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures

The Panel should consider: -

- The evidence from the school representatives and the complainant.
- The relevant school policies and procedures.
- The extent to which the school's action is consistent with the appropriate school policy
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

- Any recommendations to review/revise school policies and procedures as necessary. This should identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress should be monitored by the Governing Body.
- The appropriate action to be taken by the school, if necessary.

**Complaint Form** to be supplied with a copy of the adopted procedure

Please complete and return to the Headteacher who will acknowledge receipt.

Your name:

Student'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.  
(Whom did you speak to, when, and what was the response)?

The form continues overleaf.....

What actions do you feel might resolve the problem?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

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**For school use**

Date acknowledgement sent:

By whom?:

Complaint referred to:

Date:



## **APPENDIX TO COMPLAINTS PROCEDURE**

### **Complaints relating to the Code of Practice on the English Language Requirement for Public Sector Workers**

#### **What is the requirement?**

The school has a duty to ensure that all employees in roles requiring contact with members of the public (pupils, parents, etc.) as an integral part of their role, are able to converse fluently and accurately in English.

The recruitment process and performance management are designed to ensure that our employees meet the required standards.

If you feel that we have not met this duty you are able to make a complaint.

#### **When can I make a complaint?**

You can make a complaint if you feel that an employee in a customer-facing role has insufficient proficiency in spoken English for the performance of their role.

#### **What is not covered in the Code of Practice?**

Complaints about regional or international accents, dialect, manner or tone of communication, origin or nationality are not considered legitimate complaints under the fluency duty.

The school will also not take forward any vexatious, oppressive, threatening or abusive complaints in relation to this fluency duty. Complaints which are without foundation and/or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint.

#### **How do I make a complaint?**

Please follow the School's Complaints Procedure.

All legitimate complaints will be investigated in accordance with the complaints procedure and the school will assess the merits of the complaint against the necessary standard of spoken English fluency required for the role in question.

Any member of staff who is the subject of the complaint has a right to be notified of the complaint and any action being taken in relation to it.

Where a complaint is upheld the school will consider what steps can be taken to meet the fluency duty.