



Nelson Primary School:

Concerns or Complaints Procedure

1. Our school wants to deal with any issues, concerns and complaints that you have as promptly and effectively as we can. If you have concerns you should first go directly to the person who is most appropriate – this will usually be the class teacher or member of staff, a senior teacher, the Deputy Head Teacher, or the Head Teacher.
2. If you are **not a parent or a guardian of a child attending the school** you should contact the Head Teacher.
3. This procedure applies to all concerns or complaints, except those which relate to:

- School Admissions;
- Statutory Assessments of Special Educational Needs (SEN);
- Child Protection and Safeguarding procedures;
- Pupil exclusions;
- Staff grievances, capability or disciplinary procedures;
- Complaints about services provided from the School's premises by other organisations;
- Whistleblowing; or
- Subject Access Requests and Freedom of Information Requests.

4. Any concern or complaint should be brought to the attention of the school at the earliest opportunity; matters raised more than 3 months after the event will only be considered in exceptional circumstances. If a complaint is received outside that time frame the Head Teacher or the Chair of the Governing Board will decide whether the circumstances warrant the complaint being investigated.
5. The School will endeavour to abide by timescales stated under each stage of the process below. Sometimes, due to the nature or complexity of the complaint, the School may need to set different timescales in which case you will be notified of the date that the School will respond and you will be kept informed of progress throughout.
6. **Observing Confidentiality:** Where possible complaints will be dealt with confidentially and, where the Governing Board is involved, we will avoid sharing details of the complaint with the whole Governing Board except in very general terms. We would also ask you to observe confidentiality and not discuss complaints publically, or via social media.
7. The School maintains a centrally held record of formal complaint forms (see 6 A) and documentation referred to as part of the complaints process. You have a right to request copies in accordance with the School's policy on dealing with *Data Protection Act and Freedom of Information Act requests*.

8. **Safeguarding:** Wherever a complaint indicates that a child's wellbeing or safety is at risk, the School is under a duty to report this immediately in accordance with the School's Safeguarding Policy which is available on the School's website.
9. An 'anonymous' complaint will not be dealt with unless there are exceptional circumstances.
10. **The school encourages any complainant to make every effort to resolve any concerns informally by the following the steps below.**

Resolving Concerns Informally

It is in everyone's interest that concerns are resolved at the earliest possible stage, before they become formal complaints. Many issues can be resolved informally, without the need to invoke formal procedures.

The School encourages anyone with a concern to address it informally by contacting the School office or by raising it with their child's class teacher, or their manager, in the first instance. We hope that they will either be able to address the concern on the spot, or they will be able to arrange to discuss it further at a mutually convenient time. The Head Teacher and Chair of the Governing Board will not routinely be involved in resolving informal concerns but, in exceptional circumstances, appointments can be made with them by contacting the School. It will be for the Head Teacher to determine if the circumstances are exceptional and if it is therefore appropriate for them to become involved at the informal stage.

The Complaints Process:

A. Submitting the Complaint

If you want to make a **formal complaint** you should complete and submit a formal complaints form (**Appendix A**). If you would like to raise your complaint via another method, i.e. verbally or in person, please contact the School office.

All sections of the complaint form should be completed before it is returned to the School office. Receipt of the submitted complaint form will be acknowledged in writing within 10 School days (i.e. days which are not weekends, bank holidays or do not fall in the school holidays), and, will confirm the name of the person who will investigate your complaint.

The complaint will be referred to the Head Teacher or delegated Senior Leader. If the complaint is about the Head Teacher it will be referred to the Chair of the Governing Board. If your complaint is regarding a member of the Governing Board then it will be referred to the Clerk to the Governing Board. In such cases the Clerk will seek advice before referring the complaint to an appropriate member of the Governing Board.

Investigating the complaint: As part of their investigation, the person investigating your complaint may contact you, and any other person that they consider necessary, in order to consider the issues raised in the complaint.

The person investigating your complaint will also review any documentation provided in support of your complaint, and will review any other documentation that they consider relevant. It may be necessary for the person investigating to request further information or documents from you, or from others, before the investigation can continue.

After considering the available evidence, the person who investigated your complaint will decide that either:

- 1) The complaint is upheld, in which case they will decide upon the action that the School is willing to take to resolve the matter;
- 2) That the complaint is not upheld; or
- 3) That the complaint is partially upheld in which case they will decide upon the action that the School is willing to take resolve the upheld part of the complaint.

You will receive either an update or notification of the decision and an explanation of the reasons for it in writing within 20 School days of the date of the letter which acknowledged receipt of your complaint form. Updates will explain why the investigation is still on-going (e.g. because further documents have been requested) and estimate when the investigation is expected to conclude. The written notification will also explain how you can request a review of the decision you if you are dissatisfied with the response.

B. Reviewing the Decision with a Governor

If you are dissatisfied with the decision made at stage 6B then you can ask for it to be reviewed by a Governor. This will be done by either the Chair or Vice Chair of the Governing Board. You can request this review by completing the review form at **Appendix B** and submitting it to Ms A Rehman at the school office within 20 school days of the date of the decision letter. If you would like to ask for a review via another method, i.e. verbally or in person please contact the school office.

An acknowledgement of your review request will be sent within 10 school days.

The Governor will investigate your complaint with the Senior Leadership Team and after considering the available evidence will decide that either:

- 2) The complaint is upheld, in which case they will discuss with the Head Teacher / Senior Leaders what action that the School is willing to take to resolve the matter;
- 2) That the complaint is not upheld; or
- 3) That the complaint is partially upheld in which case they will, with the Head Teacher / Senior Leaders decide upon the action that the School is willing to take resolve the upheld part of the complaint.

You will receive either an update or notification of the decision and an explanation of the reasons for it in writing within 20 School days of the date of the letter which acknowledged receipt of

your complaint form. Updates will explain why the investigation is still on-going (e.g. because further documents have been requested) and estimate when the investigation is expected to conclude.

6 D Reviewing the Decision with a Governing Board Panel

If you are dissatisfied with the decision made at stage 6C then you can ask for a Governing Board panel (the Panel) to review it by completing the review form at **Appendix C** and submitting it to Miss A Rehman within 20 school days of the date of the decision letter. If you would like to ask for a review via another method, i.e. verbally or in person please contact the school office.

If you believe that the panel is likely to be biased during the review, then you have the right to request that the panel members are independent of the Governing Board. Your request and the reasons for it will be considered, but the Governing Board does not have to agree to your request.

An acknowledgment of your review request will be sent within 5 School days informing you of the date and time that the Panel intends to review the complaint. The meeting will be held within 20 school days from the date of the acknowledgment letter.

The following parties will be invited to attend the review meeting:

- You, i.e. the complainant;
- the person who investigated the complaint;
- the person/people who made the decision at stage 6B and 6C; and
- any other relevant parties identified by the Panel e.g. witnesses.

You are entitled to bring a friend or colleague to the review meeting. If the subject of the complaint is a member of staff then they will be invited to attend and can bring a friend or colleague. You should notify the Panel if you intend to bring someone to speak on your behalf.

The Panel does not usually consider it necessary for legal representatives to be present at the meeting. If you intend to bring a legal representative to any review meeting, you should notify the Panel at least 5 school days in advance of the meeting date, as well as provide a clear explanation for why you believe a legal representative should attend. The Panel will consider and respond to your request, but has absolute discretion to refuse attendance by legal representatives if it considers this appropriate.

The Panel determines the procedure followed at the review meeting. In doing so it shall refer to the description of role and responsibilities of the Complainant, Clerk to the Panel, Chair of the Panel and Panel members as it is set out in the Department for Education (DfE) best practice advice for School Complaints Procedures.

The Panel will consider the relevant information and representations made before deciding whether the decision made at stage C:

- 1) Is upheld, in which case they will decide upon the action that the School should take to resolve the matter;
- 2) Is not upheld; or
- 3) Is partially upheld in which case they will decide upon the action that the School should take to resolve the upheld part of the complaint.

The Clerk to the Panel will write to you and the School's Senior Management Team explaining the Panel's decision within 10 School days of the meeting.

This is the final stage in the School's internal complaints procedure. If the same issues are raised with the School following the Panel review, the School will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

The School follows the advice published by the DfE on dealing with serial and persistent complainants.

Escalating the complaint beyond the School

If, having completed the complaints process, you remain dissatisfied with the School's response you may wish to refer your complaint to:

- *Birmingham Local Authority*. Note that the Local Authority will only consider the process followed by the School in line with this published complaints procedure, and not the substance of the complaint or the reasonableness of the decision made by the School, unless it finds compelling reason to do so.
- The Secretary of State via the School Complaints Unit (SCU) of the DfE. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Board has acted unlawfully or unreasonably and where it is expedient or practical to do so.
- Ofsted, who can consider complaints about the School as a whole, but not complaints about individual pupils.

Serial and Persistent Complainants

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond if they feel they have:

- taken every reasonable step to address the complainant's needs;
- given a clear statement of the school's position and their options (if any) to the complainant; and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

Unreasonable Complaints

Nelson School 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 school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Nelson defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;

- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 asking them to change it. For complainants who excessively contact Nelson causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Nelson School.

Nelson school will seek advice from HR / BCC Legal Services when dealing with persistent and unreasonable complaints.

Queries that relate to this Complaints Procedure

If you have any questions about this complaints procedure, please contact the School.

A handwritten signature in black ink, appearing to be 'D. J. O.', written over a horizontal line.

Signed

Chair of the Governing Board

Date: 21st April 2021 (reviewed and adopted by GB)

Review Date: April 2022



Formal Complaint Form

Appendix A

If you wish to make a formal complaint please complete this form and return it to the school.

Your Name	
Your address	
Contact telephone day/mobile number	
Contact email address	
Name of pupil, year group and your relationship to them (where applicable)	
Details of the complaint (You need to provide an overview of the complaint so far, who has been involved, why the complaint remains unresolved).	
Action taken so far (including staff member who has dealt with it.) or solutions offered	

The reason that this was not a satisfactory resolution for you

What action would you like to be taken to resolve the problem?

Signed:

Date:

Please return this form to: Miss A Rehman,

Nelson Primary School, King Edwards Road, Ladywood, Birmingham, B12PJ

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:



Governor Review Request Form

Appendix B

If you wish to request a review of the decision made in respect of your complaint please complete this form and return it to the school

Your Name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	
Continued overleaf)	
What actions would you like to be taken to resolve your complaint at this stage?	

Signed:

Date:

Please return this form to: Miss A Rehman,

Nelson Primary School, King Edwards Road, Ladywood, Birmingham, B12PJ

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:



If you wish to request a review of the decision made in respect of your complaint please complete this form and return it to the school

Your Name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	
Continued overleaf)	
What actions would you like to be taken to resolve your complaint at this stage?	

Signed:

Date:

Please return this form to: Miss A Rehman,

Nelson Primary School, King Edwards Road, Ladywood, Birmingham, B12PJ

Official use

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:

Form template noted a=to be used, approved Daniel Taylor, Chair 21st April 2021, 23rd March 2022

R. J.