



# **SUTTON COLDFIELD GRAMMAR SCHOOL FOR GIRLS**

## **COMPLAINTS PROCEDURE**

**DATE: MARCH 2019**

**REVIEW DATE: MARCH 2022**

## **Introduction**

Sutton Coldfield Grammar School for Girls (“The school”) endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties. Where concerns are raised the school will deal with these fairly, openly, promptly and without prejudice.

The Governing Board has approved the following procedure in the event of any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist in the event of a complaint.

## **Which procedure do I need?**

In some cases, there are alternative and more appropriate policies for dealing with complaints. The following list details specific topics of complaints, and the correct policy to which to refer. These policies are available on the school website. Alternatively, a copy can be requested from the main school reception.

- Student admissions: please refer to the school’s admissions policy
- Student exclusions; please refer to the school’s Behaviour for Learning Policy
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the school’s GDPR Data Protection and Freedom of Information policies

## **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 to the local authority. Any action taken will be in accordance with the school’s Safeguarding and Child Protection Policy which is available on the school’s website.

## **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the school expects that complainants do not discuss complaints publically via any form of social media including Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and complainants are also expected to observe confidentiality.

## **Complaints that result in staff capability or disciplinary procedures**

If at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and Deputy Headteacher leading the proceedings. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

## **Raising concerns**

It is recognised that there is a difference between an expression of concern and a formal complaint. A concern can be defined as ‘an expression of worry, or doubt’ for which reassurance is sought. (DfE Definition)  
Expressions of concern relate to the first time that the school has been informed of a specific matter by a student, parent or a member of the public. Where there is a concern about a student’s education or wellbeing, this should be raised with the relevant Head of Year via the telephone or in person. Ideally, they will be able to address your concerns including, if needed, arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the member of staff may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of data protection legislation. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

For the purpose of this policy a 'complaint' can be defined as an 'expression of dissatisfaction' which can be regarding actions taken, or a perceived lack of action '. (DfE definition)

### Framework of Principles

Any concern or complaint should be brought to the attention of the school at the earliest opportunity. Any matter raised more than 3 months after the event will only be considered in exceptional circumstances.

A concern or complaint from a member of the public who is not a parent or a guardian of a child attending the school should be referred directly to the Headteacher, unless the complaint is about the Headteacher in which case it should be referred to the Chair of Governors.

An anonymous complaint cannot be dealt with unless there are exceptional circumstances.

Any concern or complaint will be dealt with in a way that:

- respects confidentiality
- addresses all the points at issue
- provides an effective response, and, where necessary, appropriate redress

### Procedure

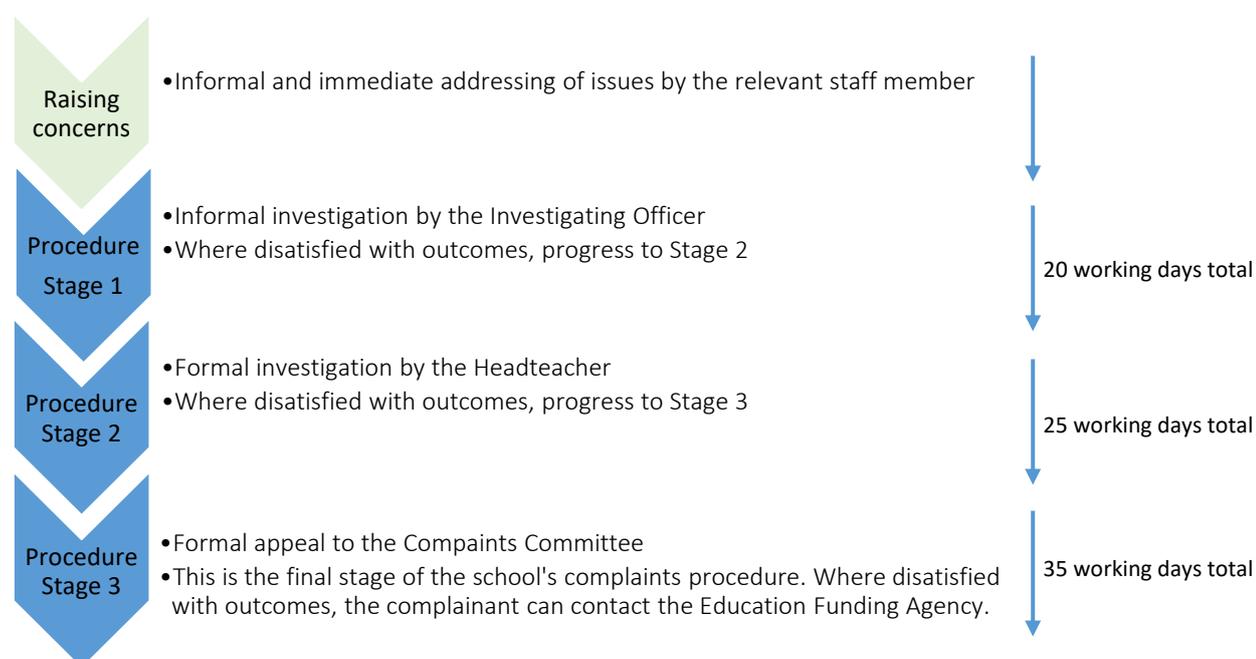
If an issue needs to be raised, in the first instance this should be done with relevant member of staff who will seek to establish a solution. If the issue is not resolved at this stage, the procedure as detailed below will be followed.

A written record will be kept of all formal complaints and the Headteacher reports this to the Governing Board on a termly basis.

### Summary of procedure

1. Informal procedure
2. Formal procedure which consists of up to three stages as detailed below. The term working, or school, days refers to working days falling within the term dates as referred to on the school website.

### Timeline



### Timeframes

The school will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

The school reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. Exceptional circumstances is defined as where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of governors of the decision.

### **Who should I approach?**

Educational matters regarding one particular subject: the Head of Year, who will liaise with the relevant Head of Department

Pastoral care and educational matters regarding more than one subject: the relevant Head of Year

Financial/Administration matters: the School Finance and Operations Manager

Complaint about a staff member's conduct: the Headteacher, who will ask a relevant and appropriate member of staff to investigate, depending on the nature of the complaint.

Please note: if the first approach is made direct to a governor they should direct the complainant to the Headteacher. Governors should not act unilaterally on an individual complaint outside the procedure - such action may compromise future action regarding the complaint.

### **Complaints about the Headteacher or the Governing Board**

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, they should notify the Clerk to the Governing Board (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of the Governing Board as the individual responsible for the investigation, rather than a Deputy Headteacher

Where a complaint regards a member of the Governing Board, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governing Board. Informal resolution will be sought, but where this does not succeed, the complaints procedure at Stage 3 will take immediate effect. A Vice Chair or another nominated governor will mediate any proceedings.

### **Stages of the Complaint**

#### **Informal Procedure**

Once a complaint has been received, the person raising the complaint will either receive contact by telephone or in writing, as soon as possible after the complaint has been made known to the school. The member of staff receiving information about the concern/complaint will make clear and detailed notes of all communications with the person raising the complaint and any follow up action undertaken. They will also check at a later date to make sure that the matter has been followed up.

Following the gathering of information, the school will ensure that the person raising the complaint is provided with feedback about the actions that have been taken and the monitoring of the situation, if any that has been agreed. Throughout this period, details of the progress of the enquiries will be shared with the Complainant. There will be no time limit on attempting to resolve the complaint at this stage, the lines of communication will remain open and action will be on-going whilst both parties believe a solution can be found.

If the person raising the complaint is dissatisfied following this informal process, the complaint can progress to Stage 1 of the Formal Procedure.

### **Stage 1 – Informal investigation**

Where as a result of raising a concern, the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. The complainant must explain in writing to the Headteacher
  - An overview of the complaint so far
  - who has been involved
  - why the complaint remains unresolved
  - action they would like in order to seek a resolution.

In all circumstances not involving a complaint concerning the Headteacher, the Headteacher will appoint an Investigating Officer to deal with the complaint. This may be a member of the Senior Leadership Team or another member of staff with relevant responsibility. In all circumstances involving a complaint concerning the Headteacher, the Chair of Governors will appoint an Investigating Officer to deal with the complaint. This may be the Chair of Governors himself/herself, another governor or someone independent of the School.

In the first instance, the Investigating Officer will offer the Complainant the opportunity to follow the Informal Procedure (where this has not already been followed). Where this is not an appropriate option the Investigating Officer will commence the investigation and ensure that they:

- establish what has happened so far and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the Complainant or contact them (if unsure or further information is necessary);
- clarify what the Complainant feels would put things right;
- interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish; and
- conduct any interview with an open mind and be prepared to persist in the questioning.

It should be noted that it may be necessary for the Complainant to come into School for a meeting in order for the Investigating Officer to attempt to fully understand and resolve the situation. Every effort should be made by the Complainant to provide all of the information at Stage One so that a valid decision can be made.

Once all the relevant facts have been established, the Investigating Officer will send the Complainant a written response. This will give a full explanation of the decision and the reasons for it. If follow-up action is needed, there will be an indication of what this may involve. The Complainant may be invited to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations.

The school would normally expect to respond in full within twenty working , school days. Where this is not possible a written explanation will be provided to the Complainant, to explain the delay and advise when the school hopes to be able to respond fully.

If the Complainant remains dissatisfied at the end of Stage 1, there is the possibility of proceeding to the next stage and this will be advised in writing at the point at which the outcome of Stage 1 is shared with the Complainant. The intention to do so must be communicated by the Complainant to one of the following people within 10 school days of receiving notification of the outcome of Stage 1:

- The Headteacher (when a member of school staff has dealt with Stage 1) – the complaint will then proceed to Stage 2; or
- Chair of Governors (when the Headteacher has dealt with Stage 1) – the complaint will then proceed to Stage 2; or
- Vice Chair of Governors (when the Chair of Governors has dealt with Stage 1) – the complaint will proceed to Stage 3.

### **Stage 2- Formal Procedure**

Where Stage 1 of the procedure was undertaken by the Headteacher, the Chair of Governors will undertake Stage 2. In such cases all references to “Headteacher” in the following paragraphs should be read as being “the Chair of Governors”.

The Complainant should address their complaint to the Headteacher with an explanation about why they remain dissatisfied with the outcome or process that has been followed to date. A proforma is available for completion in Appendix 1.

The Headteacher will acknowledge receipt of a Stage 2 Complaint within five school days and will aim to resolve the matter within a further twenty School days. The Headteacher will request to meet with the Complainant in person to discuss the nature of the complaint and the remaining dissatisfaction with the way in which the School has dealt with the issue. In advance of the meeting the Headteacher will review the investigation undertaken by the Investigating Officer.

At the meeting with the Complainant the following process will be followed:

1. the Headteacher will explain the purpose of the meeting;
2. the Headteacher will provide a summary of the way in which the complaint has been dealt with by the Investigating Officer;
3. the Complainant will explain the reasons why they remain dissatisfied;
4. the Complainant will explain how they feel the issues could be resolved; and
5. the Headteacher will seek to reach a resolution as far as possible.

The Headteacher will conduct the investigation with an open mind and will decide the outcome at this stage, but may delegate the collating of information to a senior colleague. No new information will be introduced at this stage.

The Headteacher may determine one of the following outcomes:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- the complaint is not substantiated by the evidence;
- the complaint was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed; or
- the complaint was substantiated in part or in full and the Governing Board will take steps to prevent a recurrence or to rectify the situation, where this is practicable.

The Headteacher will write to the Complainant once all of the relevant facts have been established. This correspondence will give a full explanation of the Headteacher’s decision and the reasons for it. If follow-up action is needed, details of the proposed course of action will be provided if appropriate. If the Complainant remains dissatisfied with the way in which the complaint has been handled and/or the outcome of Stage 2 (or Stage 1 where the complaint was about the Headteacher), the Complainant may proceed to Stage 3. Any such request must be made in writing within 10 working, school days of receiving notice of the outcome from the Headteacher (or Chair of Governors) and include a statement specifying any perceived failures to follow the procedure. At this stage no new information should be provided.

### **Stage 3 –Complaints Committee hearing**

Where a Complainant remains dissatisfied with the way in which the complaint has been handled and/or the outcome of Stage 2 (or Stage 1 where the complaint was about the Headteacher), there is the possibility of invoking Stage 3 of the formal procedure. This should be initiated within 10 school days of the Complainant receiving notification of the outcome of Stage 2 (or Stage 1 where the complaint was about the Headteacher). Such requests should be made in writing to the School and marked “For the Attention of the Chair of Governors” when the Headteacher has dealt with Stage 2 or “For the Attention of the Vice Chair of Governors” where the Chair of Governors has dealt with Stage 1 or Stage 2. A full explanation giving the reasons for dissatisfaction about the handling of the complaint should be provided.

The person receiving the request to proceed to Stage 3 will establish a panel of three members (two Governors and one person independent of the management of the School). One member of the Committee will be asked to take on the role of Chair. The purpose of this arrangement is to give the complaint a hearing in front of a panel of Governors who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.

The aim of a Complaints Committee is to resolve the complaint and to achieve reconciliation between the School and the Complainant wherever possible. It is recognised, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure the Complainant that the complaint has been taken seriously.

The Complaints Committee operates according to the following principles:

1. The Clerk to the Governing Board, (the Clerk), will aim to arrange for the Panel meeting to take place within 20 School days of the receipt of the Stage 3 notification. The clerk should be the contact point for the complainant.
2. The Clerk will gather all correspondence submitted by the Complainant at Stages 1, 2 and 3. No new information should be introduced at this stage.
3. The Headteacher or Chair of Governors will be asked to prepare a written report for the Panel. Other members of staff directly involved in matters raised in the complaint may also be asked to prepare reports or statements.
4. The Clerk will inform the Complainant, the Headteacher/Chair of Governors and any relevant witnesses and members of the Panel by letter, at least five School days in advance, of the date, time and place of the meeting.
5. With the letter referred to in (4) above, the Clerk will send the Complainant all relevant correspondence, reports and documentation about the complaint that is to be provided to the Panel.
6. The letter referred to in (4) above will explain what will happen at the Panel meeting.
7. With the agreement of the Chair of the Panel, the Headteacher/Chair of Governors may invite members of staff directly involved in matters raised by the Complainant to attend the meeting. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

8. 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 of the Panel must insist that this is addressed outside this meeting (but through the use of this guidance as appropriate).
9. The Chair of the Panel will bear in mind that the formal nature of the meeting can be intimidating for the Complainant and will do his or her best to put them at ease.
10. The Panel will agree the appropriate format for the hearing and may determine that the parties are able to present their case to the Panel separately rather than all parties being in the same room together.
11. The Chair of the Panel will ensure that the meeting is properly minuted. However any decision to share the minutes with the Complainant is a matter for the Panel's discretion and the Complainant does not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
12. The written outcome of the Panel meeting will be sent to the Complainant.
13. During the meeting, the Complainant can expect there to be an opportunity to explain the complaint.
14. The Panel will then consider the complaint and all the evidence presented and may determine one of the following outcomes:
  - there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - the complaint is not substantiated by the evidence;
  - the complaint was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed; or
  - the complaint was substantiated in part or in full and the Governing Board will take steps to prevent a recurrence or to rectify the situation, where this is practicable.
15. The Clerk will send the Complainant and the Headteacher/Chair of Governors a written statement outlining the decision of the Panel within 15 school days.

Further details about the hearing is provided in Appendix 2. This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

### **Unreasonable and vexatious complaints**

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the complaint will be considered vexatious. The school will not reinvestigate complaints after the complaints procedure has already been concluded, except in exceptional circumstances, for example where new evidence has come to light.

If a complainant makes a vexatious complaint, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints are complaints that are clearly trivial or petty, or those intended to aggravate or create a nuisance. The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they will inform the Chair of the Governing Board that they have done so,

explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from Stage one on this direction.

If the Chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational Board in the same position would have made that decision, then the complainant may write to the Department for Education.

#### Serial and persistent complainants

The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has been fully dealt with through the complaints procedure, the Chair of the Governing Board will inform the complainant that the matter is now closed.

If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

The school will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.
- If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

#### Barring from the premises

- School premises are private property and therefore any individual can be barred from entering the premises.
- If a parent's/carer's behaviour is cause for concern, a school can ask the individual to leave the premises.
- The Headteacher will notify the parties involved via writing, explaining that their access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.
- The individual involved will be given the opportunity to formally express their views regarding this decision.
- This decision to bar will be reviewed, taking into account any discussions following the incident.
- If the decision is made to continue the bar, the individual will be contacted in writing.
- Anyone wishing to make a complaint regarding this can do so in writing, including email, to the Headteacher or chair of governors

#### Contact details

1) If you have any queries regarding any aspect of the complaints procedure, please direct these to:

The Headteacher  
Sutton Coldfield Grammar School for Girls,  
Jockey Road,  
Sutton Coldfield,  
West Midlands,  
B73 5PT

2) Where a complaint is about the Headteacher or a member of the Governing Board, or a complainant is seeking to initiate Stage 3 of the Complaints Procedures, please contact:

The Clerk to the Governing Board,  
c/o Sutton Coldfield Grammar School for Girls,

Jockey Road,  
Sutton Coldfield,  
West Midlands,  
B73 5PT

3) If the complainant feels that the Governing Board acted 'unreasonably' in the handling of the complaint, they can complain to the Education Funding Agency after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. A form is available on the Department for Education website:  
[https://form.education.gov.uk/submitform.php?self=1&form\\_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form\\_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1](https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1)

**Sutton Coldfield Grammar School for Girls**

**Appendix 1: Stage 2 Formal Complaints Form**

Name	
Name of student, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
<b>Details of the complaint</b>	
<b>Action taken so far (including staff member who has dealt with it so far) or solutions offered</b>	
<b>The reason that this was not a satisfactory resolution for you</b>	
<b>What action would you like to be taken to resolve the problem?</b>	

Signed:

Date:

<i>Official use</i>	
Date received:	Signed:

## Appendix 2: Guidelines and Procedures for a Complaints Committee Hearing

1. 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.
2. Any parties being heard may be accompanied by a friend or representative, and/or a translator - and notes taken should be agreed by attendees. It is not appropriate for a third party acting in the capacity of a solicitor to attend as the hearing is not a court of law. Should this be the case, the meeting will be suspended.
3. Governors on the panel will familiarise themselves with these procedures before any hearing.
4. The Headteacher will present the school's case.
5. Witnesses are only required to attend for the part of the hearing in which they give their evidence.
6. Before the hearing starts, the panel will agree which one of them will chair the hearing
7. 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).
8. The hearing should follow any agreed meetings protocols, and proceedings should be as follows:
  - a) After introductions, the complainant has a maximum of 20 minutes to detail their complaint, and be followed by any witnesses, who may speak for 10 minutes
  - b) The Headteacher may question both the complainant and the witnesses after each has spoken.
  - c) The Headteacher is then invited has 20 minutes to explain the school's actions and be followed by any witnesses, who may speak for 10 minutes.
  - d) The complainant may question the Headteacher and any witnesses after each has spoken.
  - e) Up to this point, members of the panel may ask questions at any time.
  - f) The complainant is then invited to sum up their complaint and the resolution they are seeking (10 minutes )
  - g) The Headteacher is then invited to sum up the school's actions and response to the complaint (10 minutes )
  - h) The Chair explains that both parties will hear from the panel within a set time scale.
  - i) Both parties leave together while the panel decides on the issues.
9. The Clerk to the Governing Board will be present for a Complaints Committee hearing. The Clerk is the contact point for the complainant and will:
  - set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
  - collate any written material and send it to the parties in advance of the hearing;
  - meet and welcome the parties as they arrive at the hearing;

- record the proceedings;
- notify all parties of the panel's decision.

10. 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 within the notified timescales;
- 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.

#### **Adopting and Publicising the Procedures**

11. The Governing Board should formally accept and adopt these procedures at a meeting.
12. The procedures should then be made available to all staff through the agreed mechanisms, e.g. staff notice boards, as well as on request.

These procedures will be made available to parents and carers via the school's website.