

**Deykin Avenue JI School**  
**Deykin Avenue, Witton, Birmingham, B6 7BU**  
**Email: [enquiry@deykinav.bham.sch.uk](mailto:enquiry@deykinav.bham.sch.uk)**  
**Tel: 0121 464 4460**  
**Head Teacher: Mrs Sharon Brewer**

## **Complaints Policy and Procedure**

Approved by the Governing Board (GB) on \_\_\_\_\_

Signed: \_\_\_\_\_ Position: \_\_\_\_\_

If you require a copy of this procedure in a particular format, for example large print, please contact the school.

### **Legislation and guidance**

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children who are registered at the school. Any person, including members of the public, may make a complaint to Deykin Avenue JI 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.

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

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*'.

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 complaints procedure. Deykin Avenue JI School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Mrs Sharon Brewer (Head Teacher) will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Mrs Sharon Brewer will refer you to another staff member. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Deykin Avenue JI School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

A concern or complaint can be made in person, in writing 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.

Concerns should be raised with either the class teacher or Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the Head Teacher) should be made in the first instance, to Mrs Sharon Brewer via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head Teacher, should be addressed to Miss Jane Mason (Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Mrs Maureen Bowyer (Clerk to the Governing Body) via the school office. Please mark them as Private and Confidential.

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.

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.

## **Anonymous complaints**

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

## **Time scales**

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.

## **Managing serial and Unreasonable Complaints**

There is a separate procedure for managing serial and unreasonable complaints.

## **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.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Deykin Avenue JI School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Birmingham City Council.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> <li>•</li> </ul>	<p>Complaints about safeguarding matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. 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). 0121 303 1888</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.  <i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure. The behaviour policy is on the school website.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<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">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>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct/discipline</li> </ul>	<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>

<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher/ (SENCO) Mr Craig Downes/Mrs Sharon Brewer – Head Teacher; they will then be referred to this complaints policy. Our (SEN policy and information report) includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use the school premises or facilities should be directed to the provided concerned.

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. If a complainant commences legal action against Deykin Avenue JI 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.

### **Resolving complaints**

At each stage in the procedure, Deykin Avenue JI 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.

### **Withdrawal of a Complaint**

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

### **Submitting the complaint**

If you want to make a formal complaint, you should complete and submit a formal complaint's 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.

If the complaint is about the Head Teacher, it will be referred to the Chair of the Governing Board (Miss Jane Mason). If your complaint is regarding a member of the Governing Board, it will be referred to the Clerk to the Governing Board (Mrs Maureen Bowyer). In such cases,

the Clerk will seek advice before referring the complaint to an appropriate member of the Governing Board.

### **Stage 1 - 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 advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of at this stage.

### **Stage 2 - Reviewing the decision**

If you are dissatisfied with the decision made at Stage 1, then you can ask for a Governing Board panel to review it by completing the review form at **Appendix B** and submitting it to Mrs Maureen Bowyer at Deykin Avenue JI School within 20 school days of the date of the decision letter. The panel will comprise of the first three, impartial governors available. This is the final stage of the complaints procedure.

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

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

- you, i.e. the complainant;
- the person/people who made the decision at Stage 1; 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. Representatives from the media are not permitted to attend.

Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate, eg, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

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 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally 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.

The panel will consider the relevant information and representations made before deciding whether the decision made at Stage 1:

- 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 leadership team (SLT) 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's review, the school will only re-consider these points in exceptional circumstances, for example where new evidence has come to light.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Next Steps**

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 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Deykin Avenue JI School. They will consider whether Deykin Avenue JI School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](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.

## **Learning Lessons**

The governing board will review any underlying issues raised by complaints with the Head Teacher/DHT, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **Monitoring arrangements**

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will where appropriate track the number and nature of complaints, and review underlying issues as stated in learning lessons.

The complaints records are logged and managed by the Head Teacher.

This policy will be reviewed annually.

At each review the policy will be approved by the full governing board.

## **Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

## Complaint Form

Please complete and return to Mrs Sharon Brewer (*Head Teacher*) or Miss Jane Mason (*Chair of Governors*) or Mrs Maureen Bowyer (*Clerk to the Governing Board*) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint. You need to provide an overview of the complaint so far, who has been involved and why the complaint remains unresolved.</b>



**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:**

Please return this form to: Deykin Avenue JI School, Deykin Avenue, Witton, Birmingham,  
B6 7BU

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: Deykin Avenue JI School, Deykin Avenue, Witton, Birmingham,  
B6 7BU

*Official use*

Date received:

Signed:

Date acknowledgement sent:

Complaint Referred to:

Date:

## **Roles and Responsibilities**

### **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 Head Teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Head Teacher or complaints committee 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 Head Teacher / 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, Head Teacher, Chair of Governors, 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
- record 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  
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.