



Complaints policy

City of Birmingham Foundation



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## 1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the foundation.

Any person, including members of the public, may make a complaint to the Trust 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. Complaints from staff will be dealt with under the appropriate HR policy and procedure.

### Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our trust.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the trust's fulfilment of Early Years Foundation Stage (EYFS) requirements.



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## 2. 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 complaint's procedure. CoBF 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 member of staff, we will respect your views. In these cases, the Principal (for Academies) or Head of Compliance (for the Trust) will refer you to an appropriate staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Trust's Head of Compliance or COO will refer you to another staff member. The member of staff may be more senior but does not have to be. 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, the School / Trust will attempt to resolve the issue internally, through the stages outlined within this complaints' procedure.

## 3. 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 if they have appropriate consent to do so. Depending on the nature of the complaint, the person who assumes the responsibility of complaints manager is the person to whom the complaint should be addressed as determined below:

- Academy complaints should be made in the first instance, to the Principal via the academy office. Please mark them as Private and Confidential.



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- Complaints that involve or are about the Principal, Chair of Local Governing Committee (LGC) or Chair of Trustees or the Central Team Staff should be addressed to the Trust's CEO, via the Trusts Central Office. Please mark them as Private and Confidential.
- Complaints about any individual LGC member or the LGC should be addressed to the Clerk to the Governors via the school office. Please mark them as Private and Confidential.
- Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Chair of Trustees, via the Trust's central office. Please mark them as Private and Confidential.

Each Academy has a complaints coordinator who administers complaints within the Academy including record keeping. The Head of Compliance acts as Complaints Coordinator for other complaints.

The Trust's CEO reserves the right to manage any academy complaints. 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 academy / trust office. You can also ask a third-party organisation such as the Citizens Advice to help you. It is not essential for a complaint to be set out on this template for it to be considered.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 4. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Principal, Chair of LGC or CEO will, if appropriate, determine whether the complaint warrants an investigation. You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within



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three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

## 5. 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.

## 6. Scope of this complaints policy

This policy covers all complaints other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions Who to contact

Admissions to schools Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.

Matters likely to require a Child

Protection / Safeguarding

Investigation

Complaints about child protection 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).

SEND Concerns about statutory assessments of Special Educational Needs should be raised with the Local Authority

Exclusion of children from school\* Further information about raising concerns about exclusion can be found at:

[www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).

\*Complaints about the application of the behaviour policy can be made through the school's complaints procedure.



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Whistleblowing We have a whistleblowing policy and procedure for all our employees, including volunteers, temporary staff, and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

Staff grievances Complaints from staff will be dealt with under the Trust's grievance policy and procedure.

Staff conduct Complaints about staff will be dealt with under the Trust's disciplinary policy and procedure, if appropriate.

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.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the school or Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 7. Resolving complaints

At each stage of the procedure, the school or Trust will seek to resolve the complaint. We will decide as to whether the complaint is upheld, upheld in part, not upheld or unsubstantiated. In addition, we may offer one or more of the following:

- a summary of findings including an apology where appropriate.



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- a list of recommendations that have been or will be taken to help ensure that it will not happen again and where appropriate an indication of the timescales within which any changes will be made.

## 8. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. The Trust reserves the right to continue a complaint investigation following withdrawal if they deem it appropriate.

## 9. Stage 1 – Informal Complaints

We hope that most concerns can be expressed and resolved on an informal basis.

The complainant should raise the complaint as soon as possible with the relevant member of academy / trust, either in person or by letter, telephone or email. 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 3 of the procedure.

A response to the informal complaint will be provided within 20 school days of the date the complaint was raised.

If the issue remains unresolved, the next step is to make a formal complaint (Stage 2 – Formal Complaints).

## 10. Stage 2 – Formal Complaints

Formal complaints must be made to the relevant complaints manager as identified in section 3. This may be done in person or in writing (preferably on the Complaint Form). A complaint may be referred back to the informal stage where the Complaints Manager does not believe this stage has been concluded in order to try to resolve any complaint as promptly as possible.





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The Complaints Coordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) as soon as possible and no later than 5 school days.

Following acknowledgement, the Complaints Manager will identify an investigating officer to lead the complaint investigation. This may be another member of the Academy's senior leadership team (SLT), a member of SLT from another Academy within the Trust, a member of the Central Team or an external Complaints Investigator.

The Complaints Investigator will contact the complainant in order to seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. This may be via a face-to-face meeting, email or phone.

During the investigation, the Complaints Investigator will:

- carry out any fact-finding meetings deemed necessary with those involved in the matter and/or those complained of.
- Review relevant records required to support the investigation.
- keep a written record of any meetings/interviews in relation to their investigation in line with the records retention policy.

At the end of their investigation, the Complaints Manager will provide a formal written response as soon as possible and within 30 school days of the date of receipt of the complaint.

If the Complaints Manager is unable to meet this deadline, they will ensure the complainant is provided with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Complaints Manager will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.



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## 11. Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 Formal Complaint and wishes to take the matter further, they can escalate the complaint to Stage 3 Panel Hearing – a panel hearing consisting of three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

The make-up of the panel will be determined by the nature of the complaint.

- Academy complaints panels including complaints about the principal will consist of the Chair of the LGC or their nominee, the CEO or a member of the executive team and an independent member.
- Panels for complaints that involve or are about any member(s) of the LGC will consist of the CEO or a member of the executive team, a trustee, and an independent member.
- Panels for complaints that involve or are about the CEO or any Trustees will consist of three completely independent members.

A request to escalate to Stage 3 for an Academy complaint must be made to the Head of Governance, via the trust office, within 15 school days of receipt of the Stage 2 response. For complaints about the Principal, Chair of LGC, Chair of Trustees or a Member of the Central Team the request to escalate must be to the Head of Governance (HOG) via the trust office. For complaints about the CEO or a Trustee the request to escalate must be made to the Chief Operating Officer (COO).

The HOG/ COO will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The HOG/COO will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of



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the Stage 3 request. If this is not possible, the HOG/COO will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the HOG/COO will decide when to hold the meeting. The meeting will then proceed in the complainant's absence based on written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire LGC or
- the majority of the LGC

Stage 3 will be heard by two trustees (one of whom will be the CEO) and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Legal representatives will only be allowed in exceptional circumstances. Representatives from the media are not permitted to attend.

Note: Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under the relevant HR policies and procedures, if appropriate, but outcomes will not be shared with them.

At least 10 school days before the meeting, the HOG/COO will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

Any written material will be circulated to all parties at least 7 school days before the date of the meeting.

The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.



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The committee will also 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 required as a reasonable adjustment. 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 committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part.
- dismiss the complaint in whole or in part.
- Decide the complaint is not substantiated.

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

- decide on the appropriate action to be taken to resolve the complaint.
- where appropriate, recommend changes to the academy/trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the academy/trust with a full explanation of their decision and the reason(s) for it, as well as any recommendations, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school or Trust.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be retained by the complaints coordinator in line with the records retention policy and available for inspection by the relevant complaints manager.



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A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### Unreasonably persistent or vexatious complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable or vexatious if the person:

- Has made the same complaint before, and it's already been resolved by following this complaint's procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on academy time.
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

### Steps the academy/trust will take:

The academy/trust will take every reasonable step to address the complainant's concerns and give them a clear statement of the academy's/trust's position and their options. The academy/trust will maintain the role of an objective arbiter throughout the process, including when meetings are held with individuals. The



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academy/trust will follow this complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school/trust in a disruptive way, communication strategies may be put in place. The academy/trust may:

Give the complainant a single point of contact via an email address.

Limit the number of times the complainant can make contact, such as a fixed number per term.

Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice Put any other strategy in place as necessary.

### Stopping responding:

The academy/trust may stop responding to the complainant when all of these factors are met:

The academy/trust has taken all reasonable steps to help address their concerns.

The complainant has received a clear statement of the academy's/trust's position and their options

The complainant contacts the academy/trust repeatedly, and the academy/trust believes their intention is to cause disruption or inconvenience.

The academy/trust will inform the individual that they intend to stop responding and explain that any new complaints will still be considered.

In response to any serious incident of aggression or violence, the school/trust will immediately inform the police and communicate these actions in writing. This may include barring an individual from the school/trust site.

### Duplicate complaints

If the academy/trust has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the academy / trust will assess whether there are aspects that we hadn't previously considered, or any new information that



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needs to be taken into account. If the academy/trust is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete.
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint. If there are new aspects, this procedure will be repeated.

## Complaint campaigns

Where the academy/trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the academy/trust may respond to these complaints by: Publishing a single response on the school/trust website

- Sending a template response to all of the complainants. If complainants are not satisfied with the academy's/trust's response, or wish to pursue the complaint further, the normal procedures will apply.

## 12. Next Steps

If the complainant believes the academy/ trust 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by CoBF. They will consider whether the academy / Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at:  
[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by

telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency



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Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

## 13. 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 or trust, as appropriate, 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 in the press or on social media and to 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:
  - o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
  - o interviewing staff and children/young people and other people relevant to the complaint
  - o consideration of records and other relevant information





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o analysing and assessing 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 that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Complaints Manager 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

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff members, Principal, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure

- be aware of issues regarding:

o sharing third party information

o 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.



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### HOG / COO

The HOG / COO is the contact point for the complainant to escalate a complaint to Stage 3 hearing panel, they 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, academy / trust, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- arrange for the proceedings to be recorded.
- 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 HOG/COO) 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. no 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.



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If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it including whether an additional complaint is required to be submitted; this may require a short adjournment of the meeting.

- both the complainant and the academy / trust 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 HOG/COO.

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so.
- No governor / trustee 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 academy / trust 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.



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- 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.