



Complaints Policy

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Statement of intent

The Shrubbery School aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in the academy throughout the procedure.

This policy has been designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and the school will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy

2. Definition of a Complaint

For the purpose of this policy, a '**complaint**' is defined as '**an expression of dissatisfaction**' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A "**concern**" is defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The definition of 'unreasonable complaints' is outlined in the 'Managing unreasonable complaints' section of this policy.

For the purpose of this policy, 'duplicate complaints' are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with.

3. Complaints procedure

The school will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement.
- Fairly investigated.
- Used to address all issues to provide appropriate and effective responses where necessary.

Stage one - Informal complaint

It is hoped that most complaints will be resolved quickly and informally. If parents have a complaint, they should normally contact their child's class teacher in the first instance. In many cases, the matter will be resolved at this level to the parents' satisfaction.

If the concern is about the child's class teacher, parents should contact the Head teacher. The Head teacher may refer the matter to a senior member of staff to resolve the issue.

If the concern is about the Head teacher, parents should contact the Proprietor.

Stage one complaints will be addressed within 10 working days from the point at which they are received. A written record of all complaints will be kept (regardless of whether they are upheld) and this will include the date on which the complaint was received, the action taken and the outcome.

Should the matter not be resolved informally, then parents are able to proceed with their complaint in accordance with Stage two of this procedure.

Stage two – formal complaint

If it has not been possible to resolve the complaint informally, then the parents must put their complaint in writing to the Head teacher. The letter should state:

- The details of the complaint.
- the actions that have been taken so far to resolve the complaint.
- the actions desired to help resolve the complaint.

The Head teacher will meet with parents to discuss the complaint and then complete a full investigation of the complaint. The Head teacher will inform the parents of the of the complaint outcome in writing, including any remedial action taken.

Stage two complaints will be addressed within 15 working days from the point at which they are received. A written record of all complaints will be kept (regardless of whether they are upheld) and this will include the date on which the complaint was received, the action taken and the outcome.

It is expected that a resolution will be reached at this stage and that parents will feel assured that all of their concerns have been fully and fairly considered. If, in extreme circumstances, parents are not satisfied they are able to proceed with their complaint in accordance with Stage three of this procedure.

Stage three – complaints panel hearing

Where the parents are not satisfied with the response or process undertaken at Stage two, the matter will be referred to a Complaints Panel. A formal letter of complaint should be addressed to the Proprietor asking that the matter is now examined by an independent panel. This letter should set out the nature of the initial complaint and why they feel it has not been properly dealt with.

The Proprietor will acknowledge receipt of the Stage three complaint and will schedule a hearing to take place as soon as practicable and normally within 20 working days of receiving the Stage three complaint.

The Complaints Panel will be appointed by the Proprietor and at least one of the three members shall be independent of the management and running of the school. The members of the Complaints Panel will have no connection to the pupil, or the family concerned and will not have been directly involved in the matters detailed in the complaint.

If the Chair of the Complaints Panel deems it necessary, she/he may require that further particulars of the complaint and any relevant documents or records be supplied in advance of the panel meeting. Copies of such particulars will be supplied to all the parties wherever practicable and not later than 3 working days prior to this hearing.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation is not permitted. Recordings of hearings are not permitted. A written record of the proceedings will be taken. After due consideration of all facts considered relevant, the Panel will reach a decision and make recommendations, which it shall complete within 15 working days of the hearing.

The Panel will write to the parents informing them of their decision and the reasons for it. The Panel's findings and recommendations will be sent in writing to the complainant, the Head teacher and, where relevant, the person about whom the complaint was made. A written record of all complaints will be kept (regardless of whether they are upheld) and this will include the date on which the complaint was received, the action taken and the outcome.

It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The Panel may make recommendations to the school on these matters or any other issues as appropriate. The decision of the Complaints Panel is Final.

4. Early Years

This policy is compliant with the requirements of the Statutory Framework for the Early Years Foundation Stage. Where parents believe that the school is not fulfilling the requirements of the EYFS they are entitled to raise concerns with either ISI or Ofsted. All complaints relating to the EYFS are investigated and complainants will be notified of the outcome of the investigation within 28 days of having received the complaint.

Parents/carers with complaints regarding EEE funding may also contact the Early Education Entitlement Team earlyeducation@Birmingham.gov.uk.

5. Recording of Complaints

All complaints are duly recorded in the School Complaint Register, including the outcome of the individual complaint and any actions taken as a result.

The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Recording devices will not be used without the prior consent of all parties.

6. Managing unreasonable complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The school does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is aggressive, offensive or threatening.

For the purposes of this policy, “unreasonable complaints” include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, or repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.

- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.

- Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate 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 complaint's procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- 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.
- Seeks an unrealistic outcome.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation, or violence.
- Uses abusive, offensive, or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Whenever possible, the member of staff leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

7. Confidentiality

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential. The exceptions to confidentiality are the Secretary of State or an inspection body. The school will make available to an inspectorate on request a written record of any complaints made during a specified period and the action which was taken as a result.

8. Further Steps

If the parents remain dissatisfied with a decision made by the Complaints Panel they will be able to pursue their complaint with the Department for Education and/or the Independent Schools Inspectorate who can be contacted at:

Department for Education, Mowden Hall, Staindrop Road, Darlington, DL3 9BG.

Independent Schools Inspectorate, CAP House, 9-12 Long Lane, London EC1A 9HA, telephone 020 7600 0100.

Ofsted (EYFS concerns) National Business Unit, Royal Exchange Buildings, St. Ann's Square, Manchester M2 7LA, telephone 08456 404040.

9. Complaints addressed in 2023/24

The school received 1 stage two complaint in 2023/24, this complaint was withdrawn following investigation.