

# Complaints Policy and Procedure



**WILMSLOW**  
HIGH SCHOOL

<b>Managed by:</b>	Headteacher
<b>Policy approval:</b>	Governing Board
<b>Governor link committee:</b>	Full Governing Body
<b>Date of review:</b>	September 2024
<b>Next review:</b>	September 2025

### *Scope of this Procedure*

1. This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure. Any complaints which subsequently lead to staff conduct actions will be considered under staff disciplinary procedures, if appropriate, but outcomes of this will be confidential and will not be shared with the complainant. The scope of this complaints procedure is covered in more detail in Appendix A.

### *Timescales*

2. Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made outside of this timeframe only if the chair of Governors and headteacher, having taken advice, are of the view that exceptional circumstances apply.
3. All timescales in this procedure refer to school working days, for this school, excluding school holidays, in-service training (INSET) days and bank holidays. Any complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

### *Serial or Unreasonable Complaints*

4. Where the school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues again that have previously been addressed under the final formal stage of the school's complaints procedure, the procedure outlined at Appendix D may be invoked.

### *Anonymous complaints*

5. Anonymous complaints will not normally be investigated. However, the headteacher or chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

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

6. A concern may be defined as 'an expression of worry or doubt' and a complaint as 'an expression of dissatisfaction'. In terms of this procedure, a concern is a matter which can be dealt with informally and a complaint is a matter raised through the formal complaints procedure.
7. We take concerns seriously and will make every effort to resolve any concern raised as quickly as possible. If at any stage you are uncomfortable discussing the matter with a particular colleague, we will respect your views and ask a different colleague to speak with you.
8. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. However, if you want to raise your concerns more formally you should follow this complaints procedure.

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

9. A concern can be raised 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.

10. In the first instance parental concerns should normally be raised with the class teacher, form tutor, or Head of House. If the concern is about a member of staff the concern should be raised with a member of the senior leadership team or the headteacher. We welcome dialogue, feedback and actively encourage parents to communicate with us so that we can resolve concerns quickly.
11. If the issue remains unresolved, the next step is to make a formal complaint under Formal Stage 1 of this procedure.
12. Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and this may also prevent them from considering a complaint if it reaches Stage 2 of this procedure.
13. A formal complaint against a member of school staff (except the headteacher) should be made in the first instance to the headteacher via the school office (either by letter or email) and should be marked as private and confidential.
14. A formal complaint that involves or is about the headteacher should be addressed to the chair of governors via the school office (either by letter or email) and should be marked as private and confidential.
15. A formal complaint about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via the school office (either by letter or email) and should be marked as private and confidential.
16. For ease of use, a template complaint form is included at the end of this procedure (Appendix B).
17. In accordance with equalities law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include providing information in alternative formats, assisting individuals in raising a formal complaint or holding meetings in accessible locations.

### *Resolving complaints*

18. At each stage in the procedure, the school will hope to be able to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:
  - an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that the school 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
19. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved without the need to use the formal stages of the complaints procedure. The school aims to take all concerns seriously and will make every effort to resolve issues raised as quickly as possible.

20. The school would hope and expect to be able to deal with most concerns raised on an informal basis, and a complainant should not raise a formal complaint before discussing their concerns informally with an appropriate member of staff. It is understood, however, that there are occasions when people remain dissatisfied and would like to raise their concerns formally. In this case every attempt will be made to resolve the issue through the formal stages outlined within this complaints procedure.

#### *Withdrawal of a Complaint*

21. If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Once a complaint has been withdrawn the same issue cannot be raised again.

#### *Formal Stage 1*

22. Formal complaints must be in writing (either by letter or email), preferably on the complaints form provided at Appendix B, to the headteacher, other than in the circumstances referred to in paragraphs 14 and 15.
23. The school will:
  - acknowledge the receipt of the complaint within five school days (either by letter or email)
  - provide an initial written response within 15 school days (either by letter or email, which may resolve the complaint)
  - provide a final written response within 30 school days (either by letter or email where not resolved by the initial response)
  - if unable to respond in 30 days, explain why in writing with a revised response date (either by letter or email)
24. Depending on the nature of the complaint, the headteacher may delegate investigation of the complaint to an appropriate member of the senior leadership team, but the outcome of the complaint will be the decision of the Headteacher.
25. Within this response, the headteacher (or delegated senior leader) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. A face-to-face meeting may be the most appropriate way of doing this.
26. During an investigation, the headteacher (or designated senior leader) will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and will keep a written record of any meetings/interviews in relation to the investigation. Staff members may be accompanied at these meetings by a colleague or trade union representative if they wish.
27. At the conclusion of the investigation, the headteacher will provide a formal written response, within 20 school days of the date of receipt of the complaint.
28. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
29. The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.
30. If the complaint is about the headteacher, or a member or members of the governing board (including the chair and/or vice-chair), a suitably skilled governor will be appointed to complete all the actions at Formal Stage 1.

## *Formal Stage 2*

31. If the complainant is dissatisfied with the outcome at Formal Stage 1 and wishes to take the matter further, they can escalate the complaint to Formal Stage 2 – a meeting with a panel of three members of the governing board convened for this purpose. This is the final stage of the complaints procedure.
32. A request to escalate to Stage 2 must be made to the clerk to the governing board, via the school office (either by letter or email), within 15 school days of receipt of the Formal Stage 1 response. Requests received outside of this timeframe will only be considered if the clerk to the governing board, having taken appropriate advice, considers that exceptional circumstances apply.
33. The clerk to the governing board will record the date the request to escalate the complaint is received and acknowledge receipt in writing (either by letter or email) within five school days.
34. The clerk to the governing board will aim to convene a meeting of the governors' complaints panel within twenty school days of receipt of the Stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.
35. The complaints panel will comprise at least three people who were not directly involved in the matters detailed in the complaint.
36. The clerk will confirm the date and time of the venue at least 15 school days before the scheduled meeting.
37. The complainant is expected to attend the meeting. If they are unable to do so on the date offered, the clerk will reschedule provided that the complaint has given the clerk a minimum of five school days notice.
38. If the complainant rejects the offer of three proposed dates, without good reason, the clerk to the governing board, will decide when to hold the meeting, in consultation with the governors' panel. It will then proceed in the complainant's absence.
39. A suitable venue must be provided for the meeting.
40. At least 15 school days before the meeting, the clerk to the governing board, or the minute clerk for the hearing, will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
41. At least 10 school days before the meeting, the clerk to the governing board, or the minute clerk for the hearing, will:
  - request copies from both parties of any further written material to be submitted to the panel at least five school days before the meeting;
  - request that both parties provide names of any witnesses to be called and the nature of the evidence which they will be providing, at least five days in advance of the meeting. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.

42. The complainant may bring someone with them to the panel meeting to provide support. This can be a relative or friend. Legal representation will not normally be permitted at the meeting. If the complainant or a witness feels that they may need to be accompanied by a legal representative, this must be raised with the clerk at least five school days before the meeting. This companion will not have the right to speak on the complainant's behalf.
43. Representatives from the media are not permitted to attend.
44. If a school employee is called as a witness in a complaints meeting, they may wish to be supported by a representative of their trade union. Any such representative will be present in a supportive capacity only and will not be allowed to speak on the member of staff's behalf.
45. Minutes of the meeting will be taken by the clerk to the governing board, or a minute clerk appointed specifically for the hearing by the governors panel.
46. There will be no audio or visual recording of the proceedings by any party unless a complainant's own disability or individual needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. A copy of the minutes of the meeting, once approved by the governors panel, will be shared with all parties.
47. The panel will not accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
48. The panel 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 Formal Stage 1 of the procedure.
49. The meeting will be held in private and proceedings will be treated as confidential.
50. The meeting will follow the process outlined in Appendix C.
51. The governors panel will consider the complaint and all the evidence presented. The panel can:
  - uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part
52. If the complaint is upheld in whole or in part, the panel will:
  - decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
53. The chair of the panel will provide the complainant and the headteacher/chair of governors (depending on who conducted Formal Stage 1) with a full explanation of the panels findings, recommendations, decision and the reason(s) for it, in writing (by email or letter), within 15 school days. Furthermore, the response will be available for inspection on the school premises by the proprietor and the headteacher. Where relevant, the person complained about will also be provided with a copy of this response.

### *Next Steps*

54. 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.
55. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Wilmslow High School. They will consider whether Wilmslow High School has adhered to education legislation and any statutory policies connected with the complaint.
56. 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

## Appendix A: Scope of this Complaints Procedure

This procedure covers all complaints other than those that are dealt with under other statutory procedures, including those listed below. As noted below, school employees may not use this procedure to raise concerns relating to their employment.

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 Cheshire East Borough Council, <b>School Admissions and Organisation</b> - 0300 123 5012  <a href="http://www.cheshireeast.gov.uk/schools/admissions/admissions.aspx">http://www.cheshireeast.gov.uk/schools/admissions/admissions.aspx</a></p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p><b>The Cheshire East Consultation Service (ChECS)</b>  <a href="https://www.cheshireeast.gov.uk/livewell/care-and-support-for-children/are-you-concerned-about-a-child/cheshire-east-consultation-service-cheecs/cheecs.aspx">https://www.cheshireeast.gov.uk/livewell/care-and-support-for-children/are-you-concerned-about-a-child/cheshire-east-consultation-service-cheecs/cheecs.aspx</a>            Phone ChECS on <b>0300 123 5012 (option 3)</b>            Callers will be directed to the appropriate team and relevant personnel more quickly via a range of automated options.            If you need to contact someone out of hours and you believe it to be an emergency that can't wait, please call our Emergency Duty Team on <b>0300 123 5022</b>.</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 this procedure.</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 ESFA (see link above), depending on the substance of your complaint.</p>

<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</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.</p> <p>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.</p> <p>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>

If other bodies are investigating aspects of the complaint, for example the police, 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 the school, the complaints procedure may be suspended until those legal proceedings have concluded.



### **Appendix B: Complaints Form**

Please complete and return to the school office marked private and confidential for the attention of the headteacher or chair of governors who will acknowledge receipt and follow the procedure outlined in the policy

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:  Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it and if appropriate who you have spoken to.

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:

## **Appendix C: Arrangements and Procedure for governors Panel Hearing**

1. The governors panel will agree a chair from amongst their number.
2. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the chair of the panel should make every effort to make all parties feel comfortable.
3. The chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
4. The complainant will outline their complaint and explain why they are dissatisfied with the school's response at Formal Stage 1. The complainant may call any witnesses in support of their complaint who will attend the meeting only for the time that they are providing information and may be questioned by all parties.
5. The headteacher and/or chair of governors and the governors on the panel will have the opportunity to ask questions of the complainant.
6. The headteacher and/or chair of governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The headteacher and/or chair of governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information and may be questioned by all parties.
7. The complainant and the governors on the panel will have the opportunity to ask questions of the headteacher and/or chair of governors.
8. Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.
9. The governor panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
10. Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors deliberations will not be minuted.
11. The governors panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a trustee or a member of the school staff. Normally the governors will reach a decision at this point, but they may feel the need to take further advice. Where this is the case, they should endeavour to reach a decision as soon as possible.
12. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within 15 school days of reaching their decision.

## **Appendix D: Policy for Managing Serial or Unreasonable Complaints**

1. This school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
2. This school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school. For example, if 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 co-operate with the complaints investigation process
  - refuses to accept that certain issues are not within the scope of the complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - introduces trivial or irrelevant information which they expect to be taken into account and commented on
  - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - changes the basis of the complaint as the investigation proceeds
  - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
  - refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the ESFA
  - seeks an unrealistic outcome
  - makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
  - uses threats to intimidate
  - uses abusive, offensive or discriminatory language or violence
  - knowingly provides falsified information
  - publishes unacceptable information on social media or other public forums.
3. Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.
4. Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
5. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
6. In response to any incident of aggression or violence, we will immediately inform the police, where appropriate, and communicate our actions in writing. This may include barring an individual from the school premises.