



**West Kirby**  
Grammar School

# Complaints Policy

<b>Administration Use:</b>	
<b>Statutory/Non-Statutory:</b>	Statutory
<b>GB Committee:</b>	Quality of Education
<b>Review:</b>	Annually
<b>Date Reviewed by Committee:</b>	3 November 2022
<b>Next Review Date:</b>	Autumn 2023

## **Policy Statement**

The policy of the School is to treat all concerns and complaints seriously and confidentially, in accordance with School procedures.

## **Aims**

West Kirby Grammar School endeavours to provide high standards of teaching and pastoral care. However, if parents or others do have a complaint, they can expect to be treated by the School in accordance with this procedure.

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 generally defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

This policy also applies to concerns or complaints raised by parents and people who are not parents of attending students.

Please note that this procedure is not used for admissions, child protection or exclusion matters, which have their own processes.

## **PRACTICE & PROCEDURE**

### **Raising Concerns and/or Complaints Process**

#### **Stage 1 – Informal**

It is hoped that most complaints and concerns will be resolved quickly and informally. If parents have a concern/complaint, they should normally contact their daughter/son's Head of Year or Subject Teacher, as appropriate. If a parent considers their complaint to require immediate senior staff intervention, their complaint should be directed to Mrs Cliffe (if the matter is of a pastoral nature) or Mrs Begbie (if the matter is of an academic nature).

Following contact with the School, complaints or concerns from those who are not parents/carers, will be directed to the most appropriate member of staff and this will not necessarily be the Headteacher.

At this stage the complaint may be made in writing, by email or by asking for an appointment. An opportunity will be arranged for informal discussion of concerns with an appropriate member of staff. If it is not possible to resolve the matter following an informal discussion, the member of staff should be advised so that the opportunity to arrange a further discussion and/or meeting, can be arranged.

In many cases, the matter will be resolved straight away by these means, to the parent's/complainant's satisfaction. If, however, the matter is not resolved to the parent/complainant's satisfaction, the parent/complainant will be referred to Stage 2.

#### **Stage 2 – Formal**

Those who wish to pursue a formal complaint at Stage 2 should put their complaint and desired outcome in writing to the Headteacher. Within five term time working days of

receipt, a response will be issued explaining how and by whom the complaint is to be investigated.

A date for a meeting with the senior member of staff investigating the complaint will be agreed.

The senior member of staff will seek to:

- establish the facts i.e. who is involved, what has happened and how the complaint has been addressed to date
- clarify the precise nature of the complaint and what is unresolved
- meet with the complainant to clarify what they feel needs to be done to resolve the issue(s)
- interview those concerned to establish all points of view
- conduct interviews with an open mind and be prepared to persist in the questioning to ensure that the facts emerge
- keep a record of all interviews

Where a complaint relates to the Headteacher, correspondence should be addressed to the Clerk to the Governors and a non-staff Governor will undertake these tasks.

A full response to the complaint will be issued within 10 term time working days following the Stage 2 meeting with the parent/complainant. A written record of all concerns and complaints and the date on which they were received will be made and kept on file. If the matter is not resolved, then the parent/complainant will be advised to proceed with their complaint to Stage 3 of the procedure.

### **Stage 3 – Complaints Appeal Panel of the Governing Body**

A request to use this stage must be put in writing and sent to the Clerk to the Governing Body. Such a request must be sent within 10 term time working days of the response from Stage 2 being sent to the parent/complainant, and must set out briefly the reasons why the parent/complainant is not satisfied with the response.

The Appeal Panel will normally consist of three panel members. One of these panel members must be someone independent of the management and running of the School and the other two must be members of the Governing Body.

The Clerk will invite the School to put in writing its response to the parent/complainant's reasons. The School will respond within 15 *term time* working days and at the end of that period, the Clerk will convene a meeting of the Complaints Panel of the Governing Body. That meeting will take place as soon as is reasonably practicable, given the need to find a date which is reasonably convenient for all parties. Whenever possible the meeting will take place within 15 school days of the end of the School's response time. The parent/complainant is entitled to be accompanied if they wish.

At the meeting of the Governors' Appeal Panel, the person who investigated the original complaint (usually a member of the Leadership Team) will outline the process of the investigation and explain the outcome. At the end of this explanation, the parent/complainant will be invited to ask any questions. The parent/complainant will then

be asked to add any comments of their own and, in particular to explain what they would like to be done in response to their complaint.

After the person who investigated the original complaint and the parents/complainant has spoken and answered any questions put to them by members of the panel, they will withdraw and the panel will consider its decision.

The panel will consider whether or not they are satisfied with the outcome of the original investigation together with any additional findings of the Stage 2 investigation. If they are satisfied that the outcome was wholly reasonable, the Chair will write to the parent/complainant explaining the panel's decision. A copy of this letter will also be sent to the member(s) of staff about whom the original complaint was made (if appropriate). If they decide that there are flaws in the way the investigation was conducted or in the outcome, they will set out their findings and consider whether or not it is appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the incident complained of will not recur – and an explanation of stages taken to ensure this;
- an undertaking to review School policies in the light of the complaint.

A written response to the parent/complainant should be made as soon as possible but within a maximum of 15 term time working days from the date of the panel meeting.

The Clerk to the Governors' Appeal Panel will ensure that a full record of the panel meeting, including copies of all the papers, are held on file. All these records are confidential to the parent/complainant, the panel members and the members of staff involved in the original complaint and its investigation except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Referral to the Department for Education**

If a parent/complainant has completed all of the procedures above i.e. Formal and Appeal and the complainant remains dissatisfied, they have the right to refer their complaint to the ESFA. (See Appendix.) The ESFA has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so. Before submitting your complaint, please read the ESFA guidance on complaining about an academy.

### **Appropriate behaviour**

**The School:** As indicated throughout the policy, it is the School's wish to work collaboratively with parents or any other complainant to bring about an efficient and just resolution to any concern or complaint. The School wishes to work in accordance with this policy and review the policy annually to ensure it follows best practice and is modified in the light of experience.

**The Complainant:** We expect the tone of all complaints to be expressed in a courteous manner, in the knowledge that the School wishes to assist them.

The School's approach when faced with serial and/or persistent complainants will be guided by the following:

*Schools should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, schools will need to act appropriately. School may view correspondence as 'serial' or 'persistent' and may choose not to respond. However the complaint will not be marked as 'serial' before the complainant has complete the procedure.*

*There will be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed. The decision to stop responding will never be taken lightly and school will ensure that they can answer yes to all of the following:*

*Every reasonable step has been taken to address the complainant's concerns;  
The complainant has been given a clear statement of the school's position and their options;  
The complainant contacts school repeatedly, making substantially the same points each time.*

*However, where an individual's behaviour is causing a significant level of disruption, schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.*

*Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.*

Extracts are taken from: *Best Practice Advice for Schools Complaints Procedures 2020*, Department for Education.

## **Monitoring Complaints**

1. The Headteacher will report on the operation of the Complaints Procedure to the Governing Body once a year. This report will include:
  - the number of formal complaints that have been made
  - the number that have been satisfactorily dealt with at the point of the original investigation
  - the number of occasions on which the Appeal Panel has met
  - any significant amendments to School policy or practice as a result of the complaints made
  - any issues that have arisen in the operation of the complaints procedure.
2. The Headteacher's report will respect the confidentiality of the individual.

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3. In the light of the Headteacher's report, the Governing Body will consider whether or not the complaints procedure should be amended in any way.

## Appendix

### The Role of the ESFA

The extract below is taken from Education and Skills Funding Agency (ESFA) Guidance, *Creating academy complaints procedure*, Updated 2021.

The ESFA can support academies to achieve a compliant procedure but it is the responsibility of academy trusts to make sure that their complaints procedure is fully compliant. Our responsibility is to ensure academies comply with their funding agreements.

If a complaint comes to us we will check whether the complaint has been dealt with properly by the academy. We will consider complaints about academies that fall into any of the following three areas:

- Breached a clause in its funding agreement;
- Failed to act in accordance with its duties under education law;
- Acted (or is proposing to act) unreasonably when exercising related education functions.

We will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

We inform the complainant that we are **not** able to:

- overturn the panel's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

We will not overturn an academy's decision about a complaint. However, if we find an academy did not deal with a complaint properly we will request the complaint is looked at again and procedures meet the requirement set out in the Regulation.

If the academy's complaints procedure does not meet the Regulations, we will ask the academy to put this right. We may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.