



## **Complaints Policy and Procedures**

September 2023. S. Thomas

## Who can make a complaint?

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 to West Kirby School and College 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 most up to date version in place at any time will be considered the relevant document.

## 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 procedure. West Kirby School and College 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, the Principal will refer you to another staff member.

Similarly, if any member of staff directly involved feels unable to deal with your concern, the Principal may 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 that there are occasions when people would like to raise their concerns formally. In this case, West Kirby School and College will attempt to resolve the issue internally, through the stages outlined within this complaint procedure.

A concern can be made in person, in writing or by telephone. Concerns should be raised with either the class teacher or middle manager. If the issue remains unresolved, the next step is to make representation to the Senior Leadership Team.

The Senior Leadership team will address your concern.

This could be either through an email, a phone call or meeting. Often they will contact you initially and then will need to take some time to review information and talk to pupils and staff in School before they can respond to you.

## **How to make a complaint**

A 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.

Complainants should not approach individual Board members 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 (excluding the Principal) should be made in the first instance, to the Principal, via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Principal should be addressed to the HR Lead, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of the Board, any individual governor or the whole Board should be addressed to the Clerk to the Board, 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 Principal or Chair, as 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. The Principal and Chair will review the circumstances and decide whether they are exceptional.

## **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first pupil attending 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 West Kirby School and College other than complaints that are dealt with under other statutory procedures, including those listed on the following page.

Exceptions	Who to contact
<input type="checkbox"/> Admissions <input type="checkbox"/> Statutory assessments of Special Educational Needs <input type="checkbox"/> School re-organisation proposals	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Principal</p>
<input type="checkbox"/> Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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). Contact the Local Authority where the child concerns resides (Please ask the Vice Principal for assistance if required)</p>
<input type="checkbox"/> Exclusion of children from school*	<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-</a></p>
	<p><a href="http://www.gov.uk/school-discipline-exclusions/exclusions">discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<input type="checkbox"/> Whistleblowing	<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>
<input type="checkbox"/> Staff grievances	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>

<input type="checkbox"/> Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, 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.
<input type="checkbox"/> Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<input type="checkbox"/> National Curriculum - content	Please contact the Principal in the first instance. Following that, the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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. Your complaint may be placed 'on hold' or may be considered as outside the remit of the School or Board.

If a complainant commences legal action against West Kirby School and College 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, West Kirby School and College 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 explanation of the steps that have been or will be taken
- an undertaking to review school policies in light of the complaint
- 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 apology.

## Withdrawal of a Complaint

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

## Stage 1

The Principal (or clerk to the Board) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

Within this response, the Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Principal can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Principal may delegate the investigation to another member of the school's senior leadership team but will not delegate the decision to be taken.*

During the investigation, the Principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Principal will provide a formal written response within 35 school days of the date of receipt of the complaint.

If the Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions West Kirby School and College will take to resolve the complaint.

The Principal/Clerk will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Principal, or a member of the Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1 by the Clerk.

Complaints about the Principal or a member of the Board must be made to the Clerk via the school office.

If the complaint is:

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

Stage 1 will be considered by an independent investigator appointed by the Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant has taken care and consideration in terms of the outcome at stage 1 and is dissatisfied. They can carefully consider whether they believe the matter is substantial enough to take further. If they firmly believe it is, they can escalate the complaint to Stage 2.

This is a review of the complaint and outcome 3-4 impartial Trustees (to be agreed with the Principal). This is the final stage of the complaint procedure.

A request to escalate to Stage 2 must be made to the HR Lead, via the school office, within 7 school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 15 school days.

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

The complaints committee will consist of at least three Board members with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three Trustees from West Kirby School and College available, the Clerk will source any additional, independent Trustees through another local school or through their LA's Governor Services Team, in order to make up the committee. Alternatively, an entirely independent committee of trustees of other settings, may be convened to hear the complaint at Stage 2.

Whilst the Clerk does everything within their power to convene the meeting within the timeframe, this can be affected by availability of trustees, so there may be changes to the timeframe as a result of trustee's availability. The Clerk will keep the complainant informed of the arrangements and any matters affecting them.

**Once the committee and chair have been arranged:**

The committee will decide how to manage the complaint.

This could be (but is not confined or limited to):

<b>Possible options for the Board</b>	<b>How this will be arranged</b>	<b>Who will arrange this</b>
By inviting the complainant to a meeting to discuss the complaint and stage 1 outcome	Through email or letter within 40 school days of receipt of the Stage 2 request.	The Clerk, who will minute the meeting.
By reviewing the documentation	Through submissions by the complainant or any other avenue identified by the Board	The Clerk will source documents for the Board, the trustees will arrange a time and convene the meeting
By meeting with the staff involved.	Through liaison with the Principal / SLT	The Chair of the Complaints Board

If a meeting is not deemed necessary by the Complaints Board then a date will be set for the Complaints Board to meet and review the complaint without the complainant present. In these cases, all written information will be considered.

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

If the complainant is invited to attend a meeting, they may bring someone along to provide support. This can be a relative or friend. 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. This must be pre-discussed and arranged by Board consent.

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

Representatives from the media are not permitted to attend. Meetings cannot be recorded.

At least 2 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, will clearly indicate whether the complainant is invited or not and (if the complainant is invited) the Clerk will check that the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee

Any written material will be circulated to all parties at least 1 school day 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.

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.

In either circumstance, the meeting will be held in private.

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.

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

- suggest 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.

The Chair of the Committee will provide the complainant and West Kirby School and College with a full explanation of their decision and the reason(s) for it, in writing, aiming to reply within 20 school days. If this is not possible, the Clerk will communicate in writing to the complainant, and give an indication of when the decision will be communicated in writing.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by West Kirby School and College

If the complaint is:

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

Stage 2 will be heard by a committee of independent Trustees.

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 West Kirby School and College will take to resolve the complaint.

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 West Kirby School and College. They will consider whether West Kirby School and College 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.

# Complaint Form

Please complete and return to the Clerk to the 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, including whether you have spoken to anybody at the school about it.</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 whom:**

**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 physical or academic 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 Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal 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 Principal / 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, Principal, Chair of Trustees, Clerk and LAs (if appropriate) to ensure the smooth running of the complaint 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

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.