

CONCERNS AND COMPLAINTS POLICY 2023/24



This policy is reviewed annually to ensure compliance with current regulations

Document Control

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1	January 2024 January 2024	Drafted by nominated Governors Policy approved by Full Governing Body
2		
3		

**This policy applies without exception to all staff,
students and governors who attend or work at the school**

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Introduction

The aim of this policy is to resolve complaints or concerns about South Wirral High School (SWHS or any individual connected with the school), in a fair, thorough and transparent way. The School takes complaints seriously and views them as a chance to learn and improve for the future.

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought." The school will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as "an expression of dissatisfaction about actions taken or a lack of action."

Please note that:

- School days in this policy refers to days when the school is open to pupils for teaching and does not include INSET days.
- References to 'parents' in this policy include carers
- Where the complaints process has been started (but not completed) whilst parents/carers have children at the school, but the children have since left, the procedure for current parents will continue to be used.
- An independent investigator is an individual with no prior knowledge of the complaint.

Resolution should remain the core objective throughout the complaints process.

Anyone can make a complaint, but a different process applies depending on whether the person raising the complaint is a parent /carer of a current pupil at the school. Please refer to page 4 '**Complaints Procedure for parents / carers of current pupils**' if you are a parent of a current pupil, otherwise please see 'Complaints raised by those who are not parents / carers of current pupils' please refer to page 9.

Please note that complaints about matters where an alternative complaints / appeal process exists will not be generally dealt with under this policy. These are set out below on pages 3 and 4 '**Complaints that will not be considered under this policy**'

Requests for reasonable adjustments to the process set out below will be considered to ensure that complainants can access and complete the process.

Complaints that will not be considered under this policy

Usually, complaints relating to the matters set out in the table below will not be considered under this policy as they have their own appeal or complaint processes. Where necessary the school will exercise its discretion.

Note that where complaints relate to staff conduct, these may be dealt with under both this Complaints Policy and the Staff Grievance & Disciplinary Policy. In such circumstances complainants will not be informed of the outcome of any Staff disciplinary investigation or processes.

Matter	Route for raising concern / complaining
Admissions	Admissions Appeal – see Admissions Policy and Statutory Admissions Appeal Code, or complaint to DfE
Exclusions	Statutory review process – see School Exclusions Policy
Statutory SEN assessments	SEND Tribunal (and see SEN Code of Practice)
Safeguarding matters where it involves an allegation against a member of staff	Raise with Designated Safeguarding Lead or a direct referral can be made to the Local Authority Designated Officer at Wirral Borough Council - see Child Protection / Safeguarding Policy
Data protection / FOI	Information Commissioner's Office (ICO)
Staff Grievances and Disciplinary matters¹	Staff Grievance & Disciplinary Policy
Whistleblowing	Whistleblowing Policy
Third party contractors / suppliers	Provider concerned

Complaints Procedure for parents / carers of current pupils

Complaint Process

Stage 1 – Informal Resolution

Any matter of concern or complaint should be raised, and attempted to be resolved, on an informal basis (or can proceed direct to stage 2, if so desired). Generally, it is expected that where the matter relates to a pupil it will have been raised with relevant staff in the academy before a request is made to deal with it under the formal stages of this policy.

The concern or complaint should be raised with the school within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents. Complaints made outside of this time frame may not be considered unless exceptional circumstances apply.

The school will seek to resolve matters at the informal stage within **15 school days** of the issue being raised by the parent.

Where the matter is not resolved at the informal stage, it may be elevated to the formal stage as set out below.

Stage 2 – Formal Resolution: Investigation by a Nominated Individual

Stage 2 complaints must be set out in writing, ideally using the form available at Appendix 1, within **10 school days** of the Stage 1 response. It must be addressed to the Headteacher (unless the complaint relates to the Headteacher in which case please refer to section headed '**Complaints against specific role-holders**' below). The complaint should set out briefly the grounds of the complaint, stating what it is that the parent considers should have been done or where the school has not met reasonable expectations and confirming the outcome sought.

An investigation will be carried out by a nominated individual identified by the Chair of the Governing Board/Headteacher as appropriate, who will acknowledge the complaint within **5 school days** and may offer the parent a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the parent will take place within **15 school days** of the written complaint being received.

The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15 school days** of any meeting with the parent; if no meeting is arranged it will be within **25 school days** of the written complaint being received.

Where the parent remains dissatisfied, they may request the complaint is escalated to Stage 3.

Stage 3 – Formal Resolution: Complaints Panel Meeting

Stage 3 complaints must be set out in writing, stating where the parent remains dissatisfied and the outcome sought, and lodged with the Clerk to the Governing Body within **10 school days** of the Stage 2 response.

The Clerk will acknowledge the Stage 3 complaint within **5 school days** and will convene a Complaints Panel.

The Complaints panel will be appointed by or on behalf of the Governing Body and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the School.

None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.

The Clerk will invite the School to put in writing its response to the Stage 3 complaint within **15 school days** of receiving the request. Whether or not the school has responded, the Clerk will convene a meeting of the Complaints Panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the parent, the school and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15 school days** of the end of the school's response time. The meeting date, time and location will be confirmed to all parties at least **10 school days** in advance.

The meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken.

The parent will have the opportunity to put forward their reasons for dissatisfaction and to expand upon on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The parent and the school will have the opportunity to put forward their respective version and views of events and each side, and the Complaints Panel members will be able to ask questions. The parent will have the opportunity to make final comments to the Complaints Panel.

The Complaints Panel aim to reach conclusions and make recommendations and a copy of those conclusions and recommendations will be:

- a) sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the school or person complained about; and
- b) available for inspection on the school premises by the Local Education Authority

The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10 school days**, and the Clerk will notify all concerned.

At any meeting, the parent will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.

If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the "Serial or persistent complainants" section as set below.

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Complaints Panel Meeting within the time stated in the policy) the matter is closed.

If the Complainant is still not satisfied, they may contact the Department for Education (DfE). There is an online procedure at:

[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact_the_Department_for_Education)

the Complainant may write to the DfE at:

The School Complaints Unit (SCU)
Department for Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

Complaints against specific role-holders

Complaints against the Headteacher

Any complaint relating to the Headteacher of the school must be raised in the first instance with the Chair of the Governing Body who will aim to resolve the matter through dialogue. If resolution cannot be reached, the Chair of the Governing Body will designate an independent Investigating Officer who may be a senior member of the Governing Body, or an external individual if required to investigate the complaint as per **Stage 2 – Formal Resolution** process.

Complaints against the Governing Body

Where a complaint is brought against a member of the Governing Body, it should be raised with the Chair of the Governing Body who will investigate the complaint (or appoint another member of the Governing Body to do so) as per **Stage 2 – Formal Resolution** process.

If the complaint is against the Chair of the Governing Body, then the Vice Chair(s) of the Governing Body will investigate the complaint (or appoint another member of the Governing Body to do so) in the same way as per **Stage 2 – Formal Resolution** process.

Complaints received outside of term time

The school will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Withdrawal of a Complaint

If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

Record keeping and confidentiality

A written record will be kept of all complaints that reach the formal stage, whether they are resolved following Stage 2, or proceed to a panel hearing (Stage 3) and any action taken by the school as a result (regardless of whether they are upheld). Complaint records will be maintained securely and in line with the School Data Protection Policy and Document Retention Policy by the School Business Manager.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

Anonymous Complaints

Where an anonymous complaint is received, the school will use its reasonable endeavours to consider the complaint as best as it reasonably can. However, the school will not be required to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case-by-case basis.

Complaint Campaigns

Where the school receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a 'complaint campaign', it will deal with the complaints in the following way:

Individual responses will not be sent to complainants in such cases. Instead, either a template response will be sent to all complainants, or a single response will be published on the Schools website at the discretion of the Chair of the Governing Body

Where the complaint campaign involves complainants who are parents they will be entitled to escalate the complaint to a panel hearing if they are dissatisfied with the School's response. The school will consider how best to manage panel hearings in such circumstances.

Serial or persistent complaints

If at any level a Complainant or connected party attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Governing Body may write to the Complainant to inform them that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the school will not respond to any further correspondence on this issue or a closely related issue.

Vexatious complaints

Complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious (i.e. without merit) complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious (i.e. praiseworthy, showing merit) complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

In such cases, the Chair of the Governing Body may write to the complainant to inform them that the complaint is deemed to be vexatious and that the school will not respond to any further correspondence on this issue or a closely related issue.

Complaints raised by those who are not parents / carers of current pupils

Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the school, will be dealt with as follows:

- a) Complainants should first attempt to address their complaint to the school informally by raising the matter with a relevant member of school staff, within **3 months** of the incident or, where a series of associated incidents have occurred, within **3 months** of the last of these incidents. The school (depending on the nature of the complaint) will seek to resolve the matter informally within **15 school days**.
- b) If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the form available at Appendix 1 or where the complaint relates to the Headteacher to the Chair of the Governing Body
- c) The complaint will be acknowledged within **5 school days** and a final written response will be issued within **15 school days**.

With the exclusion of the section outlining the “**Complaints Procedure for parents / carers of current pupils**” the remainder of the policy applies.

Note: Where the complaints process has been started (but not completed) whilst parents/carers have children at the school, but the children have since left, the procedure for current parents should continue to be used.

Monitoring Arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review at every full governing body meeting.

The complaints records are logged and managed by the clerk to the Governing Body

This policy will be reviewed by the deputy headteacher every 12 months. At each review, the policy will be approved by the Governing Body.

Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- Staff absence procedures
- SEN policy and information report
- Data Protection Policy and Privacy notices

Appendix 1 – South Wirral High School Complaints Form

This form should be used to raise a formal complaint only after a matter has been raised informally and you are not satisfied with the response. Please refer to the Complaints Policy when completing this form.

Your details	
Name	
Email	
Address	
Name of pupil, year group and your relationship to them (if applicable)	
Complaint details	
School name	
Grounds of complaint	
What steps have been taken to resolve the complaint informally (including details of who the matter was raised with, when and what solution was offered)	

Why have the steps taken so far failed to resolve the complaint? (including what you consider should have been done / where the school has not met reasonable expectations in its response)	
Outcome sought	
What action would you like taken to resolve the matter?	

Signed **Date**

Please send completed forms to relevant email address stated in Appendix 2 or hand in to the school office in a sealed envelope marked for the attention of the relevant addressee (generally this will be the Headteacher however please refer to the Complaints Policy and in particular complaints about specific role-holders, for further information.

Appendix 2 - South Wirral High School Contacts

Address:	South Wirral High School Plymyard Avenue, Eastham Wirral CH62 8EH
Phone no:	0151 327 3213
Email:	schooloffice@southwirral.wirral.sch.uk
Headteacher	Mr S Goodwin Contact via school office
Clerk to the Governing Body	Mrs L Phillips stotteverettl@southwirral.wirral.sch.uk
Chair of the Governing Body	Mr RJ Barker Contact via Clerk to the Governing Body