



BYRCHALL HIGH SCHOOL

School Complaints Procedure

1. Purpose of the Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school practices and provision for pupils.

2. Scope of the Procedure

2.1 Complainants may be anyone with an interest in the work of the school, e.g. parents, guardians, grandparents, neighbours of the school. However, it is expected that it will be mainly parents or guardians who will make use of this procedure. The term 'parent' is therefore used throughout the procedure as a generic term but the procedure also applies in relation to any other type of complainant.

2.2 A complaint is defined as a clear statement of dissatisfaction about any specified aspect of the school's work.

2.3 This procedure deals with specified day-to-day complaints against the management and/or operation of the school which fall outside the scope of the following procedures:

- Complaints which have an alternative statutory avenue of appeal or complaint e.g. admissions, exclusions, SEN assessments.
- Serious complaints concerning staff members which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues.
- **Safeguarding** – schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually Local Authority Children's Social Care Services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgement about possible abuse or neglect, but they must refer any concerns they may have to the appropriate organisation. As such, complaints about safeguarding referrals made in accordance with a statutory duty cannot be considered under this procedure. Further information on safeguarding referrals can be found at: <http://www.wigan.gov.uk/Services/HealthSocialCare/ChildProtection/WSCB/ProfessionalReferralForm/htm>
- **Allegations of abuse** – allegations of abuse or inappropriate conduct, or concern, regarding a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of Governors immediately. In all cases, the procedures outlined in the Wigan Safeguarding Children's Board 'Arrangements for Managing Allegations of Abuse Against People Who Work With Children Or Those In Positions of Trust' will be followed. This will include a possible discussion with the LADO (Local Authority Designated Officer). Further information on the role of the LADO can be found at: <http://www.wiganlscb.evom/lado.asp>

3. General

3.1 The school and/or parent may request advice or guidance from Wigan Council's People Directorate: Children and Families on the application of these procedures. However, it is the responsibility of the school to investigate the complaint and make any decisions on the outcomes (see 8.13).

3.2 Records of all conversations and meetings with parents to resolve complaints will be kept. At a Governors' Complaints Panel meeting, minutes will be taken. To help prevent recurring complaints, copies of correspondence and notes will be kept on file in the school's records, but will be held separate from individual pupils' records.

3.3 If at any stage in the procedure it becomes apparent that the complaint falls outside the remit of these procedures, parents will be informed.

3.4 Time limits will apply and complaints made under the School Complaints Procedure can only relate to incidents or concerns that have occurred within the previous 12 months.

4. Frivolous or Vexatious Complaints

4.1 The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitive;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

4.2 An 'unreasonable manner' may include situations where the complainants' frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Headteacher and school to meet the needs of all pupils equitably.

4.3 Where the Headteacher and/or Chair of Governors, judges a complaint to be frivolous or vexatious (as defined at 4.1), having considered all the relevant circumstances, they should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.

4.4 The Headteacher or Chair of Governors, as appropriate, should write to the complainant and explain this decision and the reasons for it and what action will follow, if applicable.

4.5 Where a complainant seeks to reopen a matter which is the same as, or similar to, a matter previously considered under the procedure, the Headteacher or Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

5. Withdrawal of Complaints

5.1 Complaints may be withdrawn at any stage by the complainant by giving notice in writing.

6. Stage 1: Informal Stage

6.1 On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or has misunderstood a situation. Regardless of this, the school will aim to resolve the concern at this point in a speedy and effective way.

6.2 However, if the concern is not resolved immediately and the parent confirms they wish the matter to be dealt with as a complaint, the opportunity to discuss the matter with an appropriate member of staff will be given, e.g. Headteacher, Key Stage Leader, Head of Faculty, Member of the Pastoral and Guidance Team. In the case of a complaint against the Headteacher, the matter should be discussed directly with the Headteacher in the first instance. However, should the complainant be unable to do this, then they may proceed directly to Stage 2 of the procedure by writing to the Chair of Governors.

6.3 If a parent raises a complaint with a governor then the governor should refer the complainant to the Headteacher or appropriate member of staff.

6.4 The member of staff will discuss the issue with the parent and those involved in school, with the aim of resolving the complaint as soon as possible. The parent will be informed in writing of the outcome of the investigation and what action, if any, the school proposes to take.

6.5 It is anticipated that the majority of complaints will be resolved at this stage. However, if the informal process has been exhausted and no satisfactory solution has been found, the parent will be informed by the school of how to progress the matter to Stage 2 of the School Complaints Procedure.

7. Stage 2: Referral to the Chair of Governors or Headteacher for further investigation

7.1 If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Headteacher or Chair of Governors, via the school using the form attached at Appendix 1. The form should be submitted within **ten school days** of receiving the written response at Stage 1. A copy of the form should be retained by the parent. Advice on how to complete the form may be requested from Wigan Council's People Directorate: Children and Families Governor Services Team.

7.2 Where the complaint has been addressed by the Headteacher at Stage 1, Stage 2 will be heard by the Chair of Governors. Where another staff member has addressed the complaint at Stage 1, this stage will be heard by the Headteacher.

7.3 The Chair of Governors or Headteacher will acknowledge the written complaint within **five school days** of receipt and provide an opportunity to meet the parent to discuss the complaint within the following five school days.

7.4 Following discussion with the parent, the Chair of Governors or Headteacher will investigate the complaint and a written response will, whenever possible, be made within ten school days of the meeting. Where the parent refuses the offer of such a meeting, the Chair of Governors or Headteacher will inform the parent of the outcome of their investigation within ten school days of receipt of the written complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised date by which they will respond.

7.5 The written response will include full reasons for the conclusions reached by the Chair of Governors or Headteacher and what action, if any, the school proposes to take to resolve the matter. The written response will also inform the parent how to progress the matter to Stage 3 of the School Complaints Procedure if they believe that the matter has not been adequately resolved at Stage 2.

8. Stage 3: Review by the Governors' Complaints Panel

8.1 If the parent remains dissatisfied, they will be advised that, in order to progress the complaint further to Stage 3, they must notify the Clerk to the Governing Body in writing within ten school days of receipt of the written response at Stage 2, enclosing a copy of the original complaint form.

8.2 Should the parent not inform the Clerk to the Governing Body of their intention to proceed to Stage 3 within ten school days of receipt of the written response at Stage 2, the complaint will be considered closed.

8.3 Complaints only rarely reach Stage 3. However, when the need arises, the Governors' Complaints Panel (established according to the suggested composition detailed in Appendix 2) will consider complaints at this stage.

8.4 A written acknowledgement of the complaint and the request for it to be heard at Stage 3 of the procedure will be sent to the parent by the Clerk to the Governors within **five school days**.

8.5 The letter will inform the parent that the complaint will be heard by the Governors' Complaints Panel (GCP) within **twenty school days** of receiving the complaint. Any request, by either party, to extend this time limit must be put in writing to the Clerk to the Governing Body. The letter will also inform the parent of the right to submit any further documents other than the complaint form and that these must be made available to the Clerk within five school days of receipt of the acknowledgement letter. The right to call witnesses to the meeting and the right of the parent to be accompanied by a companion of their choice will also be explained in the letter.

8.6 The Clerk to the Governing Body will send a copy of the letter of acknowledgement of the complaint to the Chair of Governors and/or Headteacher and will request that a copy of the written response made at Stage 2, and any other documents for consideration at the hearing be submitted within **five school days** of receipt of the letter. The right to call witnesses will also be explained.

8.7 The Clerk to the Governing Body will then convene a GCP meeting, having consulted with all parties on convenient times. The date, time and venue for the meeting will then be confirmed at least **five school days** in advance.

8.8 All relevant documents provided by both parties will be forwarded by the Clerk of the GCP to: the parent; the Chair of Governors and/or Headteacher; and each panel member. These will be provided as soon as possible and, in any event, at least **five school days** prior to the meeting.

8.9 The meeting will be held following the procedures for hearing a complaint detailed in Appendix 3.

8.10 Failure by the parent to attend the hearing without reasonable cause could result in the hearing going ahead and a decision being made in their absence. The decision to proceed with the hearing without the presence of the parent will be at the discretion of the GCP.

8.11 A written decision will be sent to the parent and the Chair of Governors and/or Headteacher by the Chair of the GCP within **ten school days** of the hearing.

8.12 The letter will give details of the decision of the GCP and confirm that the decision of the panel is final but the parent can refer it to the Secretary of State for Education under the Education Act 2011, on the grounds that:

- A Governing Body or Local Authority is acting or proposing to act unreasonably; or
- The Governing Body or Local Authority has failed to discharge its duties under the Act.

8.13 The Local Authority has no role in reviewing the application by the school of its complaints procedures (other than those detailed in section 2.2) or in investigating the outcome of the complaints. Parents should contact the Secretary of State if they remain dissatisfied with the school's response.

9. Stage 2: Referral to the Chair of Governors or Headteacher for further investigation

9.1 Further information about making a complaint in free school or academy can be found at:

<http://media.education.gov.uk/assets/files/pdf/e/efa%20academies%20complaints%20procedure%20august%202012.pdf>

10. Complaints concerning a Governor

10.1 Complaints concerning a Governor or the Chair of Governors

In the case of a complaint made against a governor, the Chair of Governors will investigate the matter and then decide on any appropriate action. Where appropriate, this could include making a recommendation to the Governing Body about possible suspension. Where the complaint is against the Chair of Governors the Vice-Chair will undertake the investigation and reach a decision. The Chair or Vice-Chair will write to the complainant giving details of their decision within ten school days of receipt of the complaint.

The complainant can appeal against the decision of the Chair or Vice-Chair within a maximum of ten school days of receipt of the decision letter. The Governing Body can either delegate the appeal to the complaints committee, or may, where they think it appropriate, appoint 3 other governors to form a complaints panel to investigate and make a recommendation by majority decision to the Governing Body.

Where it is not possible to appoint three governors with no prior involvement of the case, The School Governance (Collaboration) (England) Regulations 2003 may be utilised to enable the governing body to arrange for this function to be discharged jointly with other schools.

Form to notify formal School Complaint (Stage 2 and/or Stage 3)

Your Name: _____

Pupil's Name (if applicable): _____

Your relationship to the pupil (if applicable): _____

Address: _____

Postcode: _____

Daytime telephone No. _____

Evening telephone No. _____

Details of Complaint:

(continue on a separate sheet if necessary)

What action, if any, have you already taken to try and resolve your complaint. (who did you speak to and what was the response)?

What actions do you feel would resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature: _____

Date: _____

FOR SCHOOL USE:

Date acknowledgement sent: _____

By Whom: _____

Complaint referred to: _____

Date: _____

**Please complete and return to(Headteacher/Chair of Governors)
who will acknowledge receipt and explain what action will be taken.**

Governors' Complaints Panel

Role

The Panel has the power to make decisions on behalf of the governing body and may:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint if the complaint is upheld;
- Where appropriate, recommend to the next meeting of the Full Governing Body, changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Membership

A pool of governors will be named for this purpose from which three governors will be appointed*.

No member of the General Complaints Panel should have had prior involvement with the complaint or complainant. If the Chair of the governing body has been involved at an earlier stage in the procedure they should not be a member of the General Complaints Panel.

The Chair of the General Complaints Panel will be appointed at the meeting.

The Headteacher will not be a member of the General Complaints Panel. The role of the Headteacher would be to attend the panel hearing to give evidence.

Where it is not possible to appoint three governors with no prior involvement of the case, The School Governance (Collaboration) (England) Regulations 2003 may be utilised to enable the governing body to arrange for this function to be discharged jointly or wholly by governors from other schools.

* **Academies:** Please note that *The Education (Independent School Standards) Regulations 2010 Part 7* stipulates that the appeal panel in academies must comprise of at least three people, one of whom is **independent of the management and running of the school.**

Governors' Complaints Panel (GCP) - Procedures for Hearing a Complaint at Stage 3

Introduction

The aim of the meeting is to resolve the complaint and achieve a satisfactory outcome for the parent and the school.

The Chair of the GCP will ensure that the meeting is properly managed and minuted.

Although the meeting will follow the structured order below, the

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

Order of the Meeting

1. The Chair welcomes the parent and his/her companion and introduces the CP.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The parent/companion explains the complaint, calling in witnesses if appropriate.
4. The GCP may question the parent/companion and witnesses.
5. The parent and companion leave the meeting.
6. The Chair welcomes the Headteacher and the Chair of Governors (where the complaint has been addressed by the Chair of Governors at Stage 2).
7. The Chair explains the purpose of the meeting, the procedure, and asks for confirmation that all written evidence has been made available to all parties.
8. The Headteacher/Chair of Governors present a response to the complaint, including describing the action taken to address the complaint at Stages 1 and 2 of the procedure and calling witnesses, if appropriate.
9. The GCP may question the Headteacher/Chair of Governors.
10. The Headteacher and Chair of Governors leave the meeting.
11. The parent, together with his/her companion, is invited back into the room to make a final statement, then leaves the meeting.
12. The Headteacher, together with the Chair of Governors, where applicable, is invited back into the room to make a final statement, then leaves the meeting.
13. In exceptional circumstances the panel may decide at any stage to adjourn the hearing pending further investigation.
14. The panel will then consider the information that has been presented. 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.
15. The GCP will consider the complaint and must reach a majority decision. The GCP will also decide what action (if any) to take to resolve the complaint and, if appropriate, recommend to the full governing body changes to ensure similar complaints are not made in future.
16. When a decision has been made, the Chair first recalls the parent, then the Headteacher/Chair of Governors and each is informed of the outcome and any recommended action to be taken.
17. The Clerk will confirm all outcomes in writing to both parties, in accordance with paragraphs 8.11 and 8.12 of the Complaints Procedure.

Contact List:

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