



Complaints Policy

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EGERTON HIGH SCHOOL COMPLAINTS POLICY

1. Introduction

This document outlines the Egerton High School (“EHS”) Complaints Policy. It details the procedure for complaints within EHS. This policy is reviewed as circumstances require.

The School’s Governors and the Headteacher are committed to providing the best educational experience they can for all pupils attending this school. They recognise the value to all concerned of dealing fairly, promptly and effectively with any complaint against their decisions, actions or omissions, which a pupil or a parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

2. Guiding Principles

Our complaints procedure encourages prompt resolution of problems by informal means wherever possible. It aims, where possible, to achieve reconciliation between the school and the complainant. It is easily accessible and publicised on our website. It is simple to understand and use. The procedure will be applied impartially and complaints resolved in a non-adversarial manner. It respects peoples’ desire for confidentiality and the sensitive nature of complaints. The procedure ensures that all the issues are addressed and provides an effective response and appropriate redress, where necessary. It provides information to the School’s senior management team and Governors so that services can be improved. Where necessary, the procedure ensures a full and a fair investigation of a complaint by an independent person.

3. Scope of this Policy

There is a 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 and 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 and concerns can be resolved informally, without the need to use the formal stages of the complaints procedure outlined in this policy. EHS takes concerns seriously and will make every effort to resolve them as quickly as possible.

If an individual has difficulty discussing a concern with a particular member of staff, the school will respect this. In this case the individual will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the matter will be referred 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.

The school would hope and expect to be able to deal with most concerns raised on an informal basis, and a complainant should not normally 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.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person with a legitimate interest in the school may make a complaint about any facilities or services that the school provides, or any action or inaction of the School or its staff.

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 staff conduct complaints 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**.

4. Timescales

Complaints must be raised within three months of any 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 time frame only if the Headteacher or Chair of Governors conclude that exceptional circumstances apply.

All time-scales 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.

5. Anonymous complaints

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

6. Serial or Unreasonable Complaints

Where the school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues 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.

7. How to Raise a Complaint

A concern / informal complaint can be made initially in person, in writing or by telephone. It may also be made by a third party acting on someone else's behalf, as long as they have appropriate consent to do so.

In the first instance parental concerns should normally be raised with the class teacher or, if the concern is about the class teacher, with a member of the Senior Leadership Team or the Headteacher.

If the issue remains unresolved after discussion with the class teacher, Senior Leadership Team and/or Headteacher, the next step is to make a formal complaint under Formal Stage 1 of this procedure (see below). All formal complaints must be made in writing, preferably on the complaints form provided at **Appendix B**. Help in completing the form can be accessed via the school office.

A formal complaint against a member of school staff (except the Headteacher) must be made to the Headteacher via the school office and should be marked as private and confidential.

A formal complaint that involves or is about the Headteacher should be addressed to the Chair of Governors, via the school office, and should be marked as private and confidential.

A formal complaint about the Chair of Governors, any individual governor or the whole Governing Body should be addressed to the Clerk to the Governing Body via the school office, and should be marked as private and confidential. In relation to such complaints, the Governing Body will appoint a suitably skilled Governor or

independent person (as appropriate) to complete all the actions at Formal Stage 1 as the “recipient of the complaint”.

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 3 of this procedure.

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.

8. Resolving complaints (not covered under established or statutory procedures)

At each stage in the procedure, EHS 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

9. Withdrawal of a Complaint

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.

10. Formal Stage 1

- (a) The recipient of the complaint will record the date on which the complaint was received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
- (b) Within this response, the recipient of the complaint will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. A complaint at Formal Stage 1 will normally be considered on paper, however a face to face meeting may, in certain circumstances, be considered an appropriate way of obtaining further details about the complaint.
- (c) Investigation of the complaint may be delegated to another member of the School’s Senior Leadership Team (or an independent investigator if appropriate) but the decision about the merits of the complaint will not be delegated.
- (d) An investigation will, if necessary, include interviewing those involved in the matter and/or those complained about, 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.

- (e) At the conclusion of the investigation, a formal written response will be provided to the complainant.
- (f) The written response will, if possible, be provided within twenty school days of the date of receipt of the complaint. Otherwise, the complainant will be provided with an update and revised response date.
- (g) 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 the school will take to resolve the complaint.
- (h) The response will advise the complainant of how to escalate their complaint, should they remain dissatisfied with the outcome of Formal Stage 1.

11. Formal Stage 2

- (a) 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 (save for complaints where the subject of the complaint was the Chair of Governors or the Governing Body as a whole, or where Formal Stage 1 was completed by the Chair of Governors, which should proceed directly to Formal Stage 3).
- (b) A request to escalate to Stage 2 must be made to the Clerk to the Governing Body, via the school office, within ten school days of receipt of the Formal Stage 1 response. Requests received outside of this time frame will only be considered if the Chair of Governors considers that exceptional circumstances apply.
- (c) The Clerk to the Governing Body 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.
- (d) The Complainant will be offered the opportunity to provide written observations on the Formal Stage 1 response to identify why they remain dissatisfied with the situation and the outcome of the complaint. Any such observations should be provided within 10 days of the acknowledgment at (c) above.
- (e) The Chair of Governors (or an appropriately skilled Governor to whom the role has been delegated) will review the record of complaint, the Formal Stage 1 response and any further observations submitted by the complainant. The Chair may require any further investigations to be undertaken, as they feel appropriate, either by the same or a different investigator who conducted the investigation at Stage 1.
- (f) The Chair of Governors (or the delegated replacement) will provide a report, within 15 days of the receipt of the complainant's further observations (or the final date for receipt of those observations if none are received), detailing the outcome of their review of the complaint.

- (g) If the deadline is unable to be met, the complainant will be provided with an update and revised response date.
- (h) The outcomes at this stage may be to uphold the complaint (in whole or in part) or to dismiss the complaint. If the complaint is upheld (either in whole or in part) the report can identify appropriate action to be taken to resolve the complaint and, if appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

12. Formal Stage 3

- (a) If the complainant is dissatisfied with the outcome at Formal Stage 2 (or has proceeded directly from Formal Stage 1) and wishes to take the matter further, they can escalate the complaint to Formal Stage 3: a review by a panel of three members of the Governing Body convened for this purpose. This is the final stage of the complaints procedure.
- (b) A request to escalate to Stage 3 must be made to the Clerk to the Governing Body, via the school office, within 10 school days of receipt of the Stage 2 (or, if appropriate, Stage 1) response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- (c) The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- (d) The Complaints Panel will comprise at least three governors with no prior involvement with the complaint. If there are fewer than three governors from this school available, the Clerk, will seek to source additional, independent governors through another local school, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Formal Stage 3 (where for example the complaint relates to the whole Governing Body of EHS).
- (e) The complainant should be invited to outline to the Clerk to Governing Body, within 14 days of any invitation, the reasons why they remain dissatisfied with the situation and the Formal Stage 2 report (or Stage 1 report where the complaint has proceeded without a Stage 2 review) and request a review by the Governors' Complaints Panel.
- (f) The complainant will be informed by the Clerk of the membership of the panel and asked whether they wish to raise any objections to individual members. If objections are raised the panel will give them reasonable consideration. If the ability of a panel member to give the case a fair hearing is called into question the reasons given will be considered and that panel member may be replaced.
- (g) The Panel will review, on paper, the original complaint, the Formal Stage 1 (and Stage 2) reports and any additional observations submitted by the complainant. If the Panel considers the complaint to be vexatious or wholly without merit, it can be determined without the need for an oral hearing. A detailed written decision will be provided to the complainant within 10 days outlining the reasons for such a decision. In all other circumstances, the complaint will proceed as follows.
- (h) The Clerk to the Governing Body will aim to convene a meeting of the Governors' Complaints Panel within twenty school days of the paper review by the Panel. If this is not possible, the clerk will provide

an anticipated date and keep the complainant informed. If the Governors' Complaints Panel appoints someone other than the Clerk to the Governing Body to minute the governors' complaints hearing, this individual may make the arrangements for the meeting.

- (i) The Clerk (or their appointed replacement) will offer the complainant potential dates for the meeting. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting, in consultation with the Governors' Panel.
- (j) A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.
- (k) At least ten school days before the meeting, the clerk to the governing body, or the minute clerk for the hearing, will:
 - confirm and notify the complainant of the date, time and venue of the meeting;
 - 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.
- (l) The meeting will follow the process outlined in **Appendix C**, but otherwise the procedure will be determined by the Panel.
- (m) The complainant may bring someone with them to the panel meeting to provide support. This can be a relative or friend. Other than in exceptional circumstances (as agreed in advance with the Governors' Panel) this should not be a legal representative. This companion will not have the right to speak on the complainant's behalf.
- (n) 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.
- (o) Minutes of the meeting will be taken by the clerk to the governing body, or a minute clerk appointed specifically for the hearing by the governors' panel.
- (p) The meeting will be in private. 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.
- (q) 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.
- (r) The Panel will consider the complaint, all oral and written evidence and all submissions by those attending the meeting and may either uphold the complaint (in whole or in part) or dismiss the

complaint. If the complaint is upheld (either in whole or in part) the report can identify appropriate action to be taken to resolve the complaint and, if appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

- (s) The Chair of the Panel will provide the complainant and Headteacher / Governing Body with a full explanation of the Panel's decision and the reason(s) for it, in writing, within five school days. The response will also detail any actions taken to investigate the complaint and, where appropriate, will include details of actions the school will take to resolve the complaint.
- (t) 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 the school.

13. Next Steps

If the complainant believes the school did not handle their complaint in accordance with this complaints procedure or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can contact the Department for Education after they have completed Formal Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school 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, 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"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Trafford Borough Council</p>
<ul style="list-style-type: none"> • 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 Children's Safeguarding/Social Work Team on: Outside of office hours:</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through this procedure.</i></p>
<ul style="list-style-type: none"> • 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: www.education.gov.uk/contactus.</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>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<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. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus
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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.

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 explain what action will be taken.

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.

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 Meeting

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 his/her complaint and explain why s/he is dissatisfied with the school's response at Formal Stage 1 and/or 2. The complainant may call any witnesses in support of his/her complaint (whose attendance has been approved by the Panel) who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
4. The headteacher and/or chair of governors and the governors on the panel will have the opportunity to ask questions of the complainant.
5. The headteacher and/or chair of governors will explain their involvement in the complaint and the reasons for their decisions at earlier stages of the complaints process.
6. The headteacher may call any witnesses who will attend the meeting only for the time that they are providing information, and may be questioned by all parties. The complainant and the governors on the panel will have the opportunity to ask questions of the headteacher and any witnesses.
7. 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.
8. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
9. 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.
10. 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 governor 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.
11. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working 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, such as, 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 Department for Education
 - 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.